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TRANSLATION

OF THE

LAWS, ORDERS AND CONTRACTS,

ON

COLONIZATION,

FROM JANUARY 1821, UP TO 1829; IN VIRTUE OF WHICH,

COL. STEPHEN F. AUSTIN

INTRODUCED AND SETTLED FOREIGN EMIGRANTS IN

TEXAS.

WITH AN

EXPLANATORY INTRODUCTION.

COLUMBIA:
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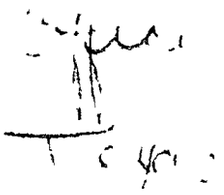
Law



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INTRODUCTION.

TO THE SETTLERS IN WHAT IS CALLED "AUSTIN'S COLONY," IN TEXAS.

In order that the settlers, who have been established in Texas, under the authority granted by the government, to Mr. Stephen Fuller Austin, may fully understand the means by which they obtained admission, and procured titles for land in this country, and the nature of those titles; the following succinct narrative is presented to them, as an introduction to the translations of the several laws, decrees and contracts on colonization, which follow, in the regular order of their dates. Manuscript translations of these documents, have heretofore been made and published, so far as it was practicable to give publicity to them in that shape, and the originals have always been open to the inspection of any one who called at the office for that purpose. The earliest, and only opportunity which has ever occurred, of publishing them in print, is now embraced.

The idea of forming a settlement of north Americans in the wilderness of Texas, originated with Mr. Moses Austin, of Missouri, and after the conclusion of De Onis's treaty in 1819, efforts were made by him to put matters in train for an application to the Spanish government in Spain. If the application succeeded, it was contemplated to remove a number of families in a body, through Arkansas territory; and as a preparatory step, his son, Stephen Fuller Austin, was sent to Long Prairie, on Red River, with some hands, &c., for the purpose of opening

a farm near the boundary line, which it was thought would be useful, to furnish provisions, and afford facilities to emigrants; and a resting place, until some preparation could be made in the wilderness of Texas. It was thought that the farm could be advantageously sold afterwards, or continued as a cotton plantation, should the enterprize totally fail. At that time there were but three families at Long Prairie, and Hempstead county had just began to settle. In answer to the inquiries of the elder Austin, as to the best mode of laying the subject before the Spanish government, he was advised to apply to the Spanish authorities of New Spain. He accordingly undertook the journey from Missouri to the capital of the province of Texas. The information collected by the younger Austin, on Red River, had convinced him that the route by way of Natchitoches, or by water from New Orleans, was much preferable to the one originally contemplated through Arkansas territory; which, added to the unhealthiness of the situation at Long Prairie, and other circumstances, caused an abandonment of the farming project at that place; and he met his father at Little Rock in the summer of 1820. It was there arranged that the father should proceed to the capital of Texas, and the son to New Orleans; the former to see what could be done by an application to the Spanish authorities of New Spain; and the latter to make some preparatory arrangements in New Orleans, for facilitating the transportation of families, furnishing supplies, &c. and also, to be ready to proceed to the Havana in the event of its being necessary to have recourse to the government in Spain.

The elder Austin arrived at Bexar, the capital of Texas, early in December, 1820, and on presenting himself to the governor, he received a peremptory order to leave that capital instantly, and the province, as soon as he could get out of it.—This order was issued in consequence of the general regulations then existing, prohibiting any foreigner from entering the Spanish territory, without a specific description of passport. There was no remedy; and he left the governor's house to prepare for his departure. In crossing the public square he accidentally met the Baron de Bastrop, with whom he had a slight acquaintance, in the United States many years previous. Mr. Austin became a Spanish subject in upper Louisiana, in 1799, and De Bastrop went to the governor with the documents which he had brought with him to prove the fact; a second interview was thus obtained with the governor, and after several days deliberation, and consultation with the *cabildo*, a memorial was presented by

Mr. Austin, asking for permission to settle three hundred families in Texas; which was sent on to the superior government of the eastern internal provinces, strongly recommended by the local authorities of this province.

He left Bexar in January and arrived in Missouri in the spring, and immediately set about making the necessary preparations for a removal to Texas, as soon as he should hear of the success of his application. His preparations, however, were greatly retarded by ill health, and on his return in the winter through Texas, he suffered greatly from exposure to bad weather, swimming and rafting rivers and creeks, and for want of provisions; for at that time, Texas was an entire wilderness, from Bexar to the Sabine. Nacogdoches and the settlements in its vicinity had been totally broken up, and the inhabitants driven off by the expedition that was sent the year before by the Spanish government against the revolutionists in that quarter.—He reached Natchitoches, on his return, much afflicted by a severe cold that had settled in his breast, and which terminated in an inflammation that finally ended his existence in Missouri, a few days after he had received information of the success of his application. He left a request that his son Stephen should prosecute the enterprize, which he had thus commenced, of forming a settlement in Texas.

Mr. Moses Austin, was a native of Durham, in the state of Connecticut, and much distinguished for enterprize and perseverance. At the age of twenty he married Miss Maria Brown, in Philadelphia, and soon after established a commercial house in Richmond, Virginia, in partnership with his brother Stephen, who was at the head of an extensive importing house in Philadelphia. They afterwards purchased the lead mines, called Chissel's mines, on New river, Wythe county, Virginia, to which he removed and established a regular system of mining and smelting shot, sheet lead, and other factories of lead, for which purpose, miners and mechanics, in those branches, were introduced from England; for at that time, manufactories of this description, were in their infancy in the United States. Revolutions, incident to extended commercial business, and to adventurous enterprize, brought on a reverse in both the Philadelphia and Virginia houses, and Mr. Moses Austin having received flattering accounts of the lead mines of upper Louisiana, (now Missouri,) he determined to visit that distant and then unknown country. Accordingly, having procured the necessary passports from the Spanish minister, he visited upper

Louisiana in 1797, and procured a grant from the governor general, Baron de Carondelet, for one league of land, including the *Mine-a Burton*, forty miles west of St. Genivieve; and after closing all his affairs in the United States, he removed his family and a number of others from Wythe county, by a new and almost untried route, down the Kanhaway river, to his new grant, in 1799, and laid a foundation for the settlement of what is now called Washington county in Missouri. The family of his nephew, Elias Bates, was the first, and his own, the second, that ever spent a winter at Mine-a-Burton, now Potosi. The early settlers of that place and county, will bear ample testimony, as to his enterprize, public spirit, and honorable character; which qualities, in fact, brought on another reverse of fortune, and caused him to turn, with unabated ardor, in the decline of life, to a new and hazardous enterprize, in the wilderness of Texas.—It is hoped the reader will pardon this digression; it was thought due to the real author of that enterprize, which has led to our location in this country.

The memorial of Moses Austin was granted on the 17th of January, 1821, by the supreme government of the eastern internal provinces of New Spain at Monterey. It gave permission to said Austin to introduce three hundred families in Texas. A special commissioner was despatched by the governor of Texas, in conformity with the orders of the commandant general, Don Joaquin de Aredondo, to the United States, for the purpose of communicating to Mr. Austin the result of his application, and of conducting the said families, in a legal manner, into the country. This commissioner was Don Erasmo Seguin, a very respectable citizen of Bexar. (1.)

S. F. Austin, who was in New Orleans, as before stated, having received information of the arrival of the commissioner, Don Erasmo Seguin, at Natchitoches, proceeded to that place, and there heard the death of his father. He then determined to accompany the said commissioner to Bexar, explore the country, and make such further arrangements as might be necessary to prosecute the enterprize. He accordingly started from Natchitoches the 5th July, 1821, with 17 companions, in company with said commissioner, and some other gentlemen from Bexar, among whom was Don Juan Martin Berrrimendi, also a respec-

(1.) See the original official document, from governor Antonio Martinez, to Moses Austin, dated Bexar, 8th Feb., 1821, filed in the archives of the colony, and recorded on page 3d of the register and herein translated.

table citizen of that place. The whole company arrived in the capital of Texas, on the 10th of August, by the upper or San Antonio road. He was kindly received by governor Martinez, who granted him a general permission to explore the country on the Colorado river, sound its entrance, harbor, &c. and select such a situation as he might consider the most advantageous for the new settlement. (2.)

The governor requested Austin verbally, to furnish a plan for the distribution of land to the new settlers; he accordingly proposed one, which, in his opinion, was sufficiently advantageous to the settlers, and at the same time, adapted to the wilderness state of the country, which required a compact location, to ensure safety from the Indians. The basis established in the plan proposed, was, to give to each head of a family and each single man over age, six hundred and forty acres, three hundred and twenty acres in addition for the wife, should there be one, one hundred and sixty acres in addition for each child, and eighty acres in addition for each slave. This plan was presented in writing, and Austin received authority from the governor, to promise that quantity to the settlers. (3.) He was also commissioned by the governor to take charge of the local government of the new settlement, until it could be otherwise organized. (4.)

He departed from Bexar the last of August, and from La Bahia, (now Goliad,) the 10th of September. At the latter place he procured a guide from the Alcalde, in virtue of an order to that effect from the governor. His company was now reduced to nine men, the others having returned from La Bahia to the United States. He explored the river Guadalupe, down to the bay, and attempted to follow round the bay shore to the mouth of the Colorado; but finding that the guide knew nothing of the route, after leaving the Guadalupe, and frequently involved the company in difficulties among the numerous tide inlets; he dismissed him, and bore up north until he struck the road of the crossing of La Baca, and explored the Colorado and Brazos, as far as was practicable, and sufficient to convince him of the

(2.) See the original dated in Bexar, 14th August, 1821, filed and recorded on page 4th of the register, and herein translated.

(3.) See the governor's original official letter, dated 19th August, 1821, filed and recorded on page 4th of the register, and herein translated.

(4.) See official letter, dated 24th August, 1821, on file, and recorded on page 4th of the register, and herein translated.

fertility of the country on those two rivers; and its eligibility for the new settlement. On his return to Louisiana, he published in the newspapers a notice of the contemplated new settlement, stating the quantity of land which he was authorized by the governor's letter of the 19th August, to promise; and also stating that each settler must pay him twelve and a half cents per acre —he, Austin, taking upon himself all the cost of surveying, and all other costs and fees or charges of whatever kind, as well as the translating, trouble and labor of attending to the business, and procuring the titles, &c. Said sum was to be paid after receipt of title, in instalments. (5.) This twelve and a half cents per acre, was also designed to provide for the defence of the new settlement against the hostile Indians—to furnish supplies to aid poor emigrants, and to defray the necessary expenses of the local government. He also considered that he was justly entitled to a remuneration for his labor and expenses, and he run the risk of saving something for himself out of said funds: his father had also expended much time and money, in the enterprize; besides the fatigue, privations and sufferings of such a journey, as that from Potosi, in Missouri, to Bexar and back again; the most of it through a wilderness. It was evident that a fund was necessary, or the new settlement must fail. A moment's reflection shewed the utter impracticability of attempting to raise it by voluntary contribution or subscription amongst the settlers, and the plan of a tax on each settler would have been kindling a volcano under the cradle of the enterprize.— There was, in fact, no other safe mode, but to make it a matter of voluntary contract, formed and entered into, by, and between Austin on the one part, and the settlers on the other; and in order to give due notice of said contract, to all concerned, it was published in the newspapers, so that each might know, before he started from his former residence, to emigrate, on what terms he would be received; and the act of applying for admission, as one of the 300 settlers, was an acceptance by the applicant, of the terms offered, and a ratification on his part, of said contract, whether he specially signed a bond to that effect or not. Austin consulted the governor of Texas on this subject; and after explaining its nature and objects, he asked the opinion of the governor, as to whether the government would be likely to inter-

(5.) See Louisiana Advertiser, and other papers of that state, and Mississippi, between the 1st of October, and last of December, 1821, and also, see the original permits, given by Austin to the first settlers, some of whom, probably still retain them.

fere with such an arrangement, between him and the settlers.—The governor observed, that the government would expect a strict compliance, as to the number and description of settlers, but he could see no reason why it should interfere with any private arrangement, legally and fairly made with them, of the kind indicated. The case was supposed that should 900 families apply for admission, only 300 of them could be received, and he should therefore say to them, those who pay me a certain sum will be admitted. The opinion was expressed that if no fraud, or deceptive allurements were held out, to mislead, even such an arrangement as that, freely and voluntarily made, and understood by all parties would not be interfered with by the government; he observed, however, that it was merely a matter of opinion with him, as he could not say what the superior government might do in such cases. Under this view of the matter, and for the objects of general utility, before explained, Austin adopted the plan he did, in regard to the twelve and a half cents per acre. This explanation is given, because this subject belongs properly to the history of the land titles; and it is one about which there has been some erroneous impressions. It is very evident, that mere speculation was not the object, as some have stated, for but little would have been left, at best, after paying the expense of surveying, the office fees, the commissioner's fees, the stamp paper, and defraying the other necessary expenses; the object therefore, must have been the general good of all, and not the private speculation of one individual.

In December, 1821, Austin arrived on the river Brazos, at the La Bahia road, with the first emigrants, and the new settlement was commenced in the midst of an entire wilderness.—Without entering into a detailed history of the settlement, and noticing all the difficulties, privations and dangers that were surmounted by the first emigrants; it is sufficient to say, that such a detail would present examples of inflexible perseverance and fortitude, on the part of those settlers, which have been seldom equalled, in any country or in any enterprize. (6.)

(6.) Arrangements were made by Austin in November 1821, to send out emigrants and supplies of seed corn, provisions, tools, &c. by sea, from New Orleans; much money was spent, and one vessel, the schooner Lively, was lost, without any avail or benefit whatever, to the settlement; for, owing to the inaccuracy of the charts, or some other cause, those who commanded the first vessels, did not find the appointed place of rendezvous, the mouth of the Colorado. One cargo which reached that place was destroyed by the Karankaways, in the fall of

In March, Austin proceeded to Bexar, to make his report to the governor, where he was informed for the first time, that it would be necessary for him to proceed immediately to the city of Mexico, in order to procure from the Mexican congress, then in session, a confirmation of the permission to Moses Austin, and receive special instructions, as to the distribution of land, the issuing of titles &c.

It should have been stated before, that Austin received the first positive information of the revolution, and plan of Iguala, of the 24th February, 1821; and of the complete independence of Mexico, on his arrival at Bexar, in August of that year; so that the official acts of Governor Martinez, relative to the new settlement, dated in August, 1821, were from a governor of the independent Mexican nation, and not from a Spanish governor. For this reason, the intimation as to the trip to Mexico, was totally unexpected, and very embarrassing; for not calculating on any thing of the kind, he had not made the necessary preparations for such a journey. There was no time for hesitation; ar-

1822, soon after it was landed, and four men were massacred. These disappointments compelled the emigrants to pack seed corn from Sabine or Bexar, and it was very scarce at the latter place. They were totally destitute of bread and salt; coffee, sugar, &c. were remembered and hoped for, at some future day. There was no other dependance for subsistence, but the wild game, such as buffalo, bear, deer, turkeys, and wild horses (*mustangs.*) The Indians rendered it quite dangerous, ranging the country, to hunt buffalo; bear were very poor and scarce, owing to a failure in the mast, and *poor* venison, it is well known, is the poorest and least nutricious of all the meat kind. *Mustang horses,* however, were fat, and very abundant, and it is estimated that 100 of them were eaten, the two first years. The Karankaway Indians, were very hostile on the coast; the Wacos and Tawakanies were equally so in the interior, and committed constant depredations. Parties of Tankaways, Lepans, Beedies, &c. were intermingled with the settlers; they were beggarly and insolent, and only restrained the first two years, by presents, forbearance and policy; there was not force sufficient to awe them. One imprudent step with these Indians, would have destroyed the settlement; and the settlers deserve as much credit for their forbearance, during the years '22 and '23, as for their fortitude. In '24, the force of the settlement justified a change of policy, and a party of Tankaways were tied and whipped, in presence of their chiefs, for horse stealing. Long details cannot now be given, and this note is inserted merely to give a general idea, of what must have been the difficulties, privations and dangers, which had to be borne and overcome, during the first years of the settlement.

rangements were made for Mr. Josiah H. Bell to take charge of the new settlement, and Austin departed for Mexico, a journey of 1200 miles by land.

The Mexican nation had just sprung into existence. The galling chains of Spanish despotism had been gloriously thrown off, but the necessary restraints of law, system, and local police, had not yet been sufficiently established; much disorder prevailed in consequence, in many parts of the country; and the roads were infested in many places, with deserters, and lawless bands of robbers. Austin, however, arrived in the great capital of this nation on the 29th of April, 1822, without any other accident than being overhauled, and partially robbed by a war party of 54 Camanches, on the river Nueces, about one hundred miles beyond Bexar. From Monterrey he had one companion, Lorenzo Christie, who had been a captain, in general Mina's expedition. They both disguised themselves, in ragged clothes, with blankets, &c. in the some style, so as to pass for very poor men, who were going to Mexico, to petition for compensation for services, in the revolution. Their passports explained to the several authorities, as they passed, who they were, and many friendly cautions were given as to the robbers.

The national congress had been in session since the 24th of February of that year. The form of government, as then established, was a limited monarchy, in conformity with the plan of Iguala, and treaty of Cordova, and the Spanish constitution was provisionally adopted. The executive department was administered by a regency, of which, the generalissimo, Don Augustin Iturbide, was president. The state of political affairs in the capital, at this time, was very unsettled. Generals Victoria and Bravo, and several other republican leaders of rank, who had been imprisoned by Iturbide in November, for opposing his ambitious designs, had escaped from confinement, not long before; serious dissentions had already arisen between the generalissimo and congress; the regency were divided, and in discord among themselves; Yanez, one of its principal, and most liberal members, having had a personal dispute of great warmth with Iturbide, during one of the sittings, in which the terms "traitor," "usurper," &c., were mutually passed; the friends of liberty were greatly alarmed at the ascendancy which the generalissimo had acquired over the military, and lower class of the populace; and every thing indicated an approaching crisis. Accordingly, on the night of the 18th of May, the soldiery and populace, headed by sergeants and corporals, proclaimed Iturbide empe-

ror. It was a night of violence, confusion and uproar. The 700 bells of the city, pealing from the steeples of monasteries, convents and churches; the firing of cannon and musketry from the different barracks; and the shouts of the populace in the streets, proclaimed to the true friends of freedom, that a few common soldiers, in union with a city mob, had taken it upon themselves to decide the destiny of Mexico, and to utter the voice of the nation. The session of congress on the 19th was held, surrounded with bayonets; and the man who was thus proclaimed by a rabble, amidst darkness and tumult, was declared by a decree of the majority of that body, to be emperor of Mexico.

In such a state of political affairs, all that a person could do, who had business to transact with government, was to form acquaintances, try to secure friends, and wait for a favorable opportunity. Austin adopted this course, and devoted the principal part of his time to studying the Spanish language; for when he arrived in Mexico, he labored under the disadvantages of being a foreigner, a total stranger, and ignorant of the language of the country, except what little he had acquired in his first trip to Bexar, and on his journey to the capital.

On examination into the state of his colonization business, he found that the regency had decided, that the governor of Texas, Martinez, was not sufficiently authorized to stipulate what quantity of land the new settlers were to get, as he did, by his letter to Austin, of 19th August, 1821, and that this point must be settled by a law of congress: for which purpose, all the documents relative to said new settlement, were transmitted by the regency to congress. This at once explained the reason, why governor Martinez urged Austin to go to Mexico, for he was doubtless well aware, that in the then existing state of political affairs, nothing would be done in the business, unless some one was present to attend to it.

Austin endeavored to procure the despatch of his business by means of a special law, but found it to be impracticable, owing to several petitions having been presented for colonies, which gave rise to an idea among the members, that a general colonization law ought to be passed, and that all should be placed on the same footing; (7) nothing, therefore, could be done, until

(7.) Among the petitions on colonization that were presented at this time, was one by Gen. James Wilkinson, and another from the Nashville company, Ten. This latter petition was not finally despatched, until 1825, under the state government of Coahuila and Texas; all the others failed.

such a general law was enacted. A standing committee on colonization had been appointed, previous to his arrival in the city, to which his business was referred. This committee made some progress towards settling the basis of a law; but the coronation on the 21st July, the dissensions between the emperor and congress, the general alarm amongst the liberal members, at the strides of the former towards absolute power; the events which grew out of the violent proceedings of the 26th August, when fourteen of the principal members of congress were seized in their beds and imprisoned; added to the necessary attention to the revenue, and financial departments, and to national affairs generally, precluded any advancement in a matter which was considered to be so comparatively unimportant, as a new settlement amongst barbarous savages, 1200 miles distant, in the wilderness of Texas. Notwithstanding the many embarrassments, however, which retarded the business, the committee on colonization reported a general colonization law; the discussion of which had proceeded, in detail, to within three articles of the end; when on the 31st of October, the congress was turned out of doors by an armed force, acting under a decree of the emperor, which declared that congress was dissolved, and vesting the legislative power of the nation in a *Junta Instituyente*, whose members were all nominated by himself. This event, of course, threw back the colonization law to its first stage; all had to be began *de novo;* a new colonization committee was appointed, a new law was reported, though not differing much from the former; which finally passed, and was approved by the emperor, and promulgated on the 4th of January, 1823.

Thus, eight months after his arrival in the capital, Austin had the satisfaction of finding himself advanced *one step;* a colonization law was enacted and promulgated. The next step was to procure the despatch of his business from the executive, a task which at first promised to be almost as difficult to accomplish as the other had been, owing to the excitement which was daily becoming more open and manifest, against the arbitrary proceedings of the emperor, which portended another revolution, and of course, a further suspension of all business of an individual nature. Fortunately, however, the minister of exterior and interior relations, Don Jose Manuel Herrera, and the sub-minister of the same department, Don Andres Quintana, were both men of liberal and enlightened principles, and, so far as the then existing state of politics would permit, they were favorable to the emigration of foreigners. The despatch of individual affairs

appertaining to the interior, or home department, was principally confided to the sub-minister, Quintana. The captain general of the internal provinces, Don Anastacio Bustamente, (now vice president of the nation,) within whose command Texas was included, also took a very liberal and enlightened view of the advantages which would result to the nation, from settling the wilderness of Texas, to which he was very favorably inclined: also, a number of the members of the *Junta Instituyente*, and of the council of state, were favorably disposed towards the enterprize; added to all which, the claims of Austin, on the attention and justice of government, were strong and incontrovertible. He came into Texas with the emigrant settlers, in virtue of a permission, legally granted to his father, by the competent Spanish authorities, previous to the change of government; he was also officially conducted into the country, by a commissioner, expressly appointed by the governor of Texas, for that purpose; and on his arrival at the capital of that province, he was officially received, and recognized by governor Antonio Martinez, after the change of government; and officially authorized by that functionary of the independent Mexican nation, to proceed with the settlement; the amount of land to be distributed to each settler was stipulated; and he, (Austin,) was appointed to administer, provisionally, the local government of the new settlement. He had also been detained nearly a year in Mexico, on this business. These circumstances enabled him to bring the matter before the council of state, in a shape which procured its speedy and favorable despatch, by that body, who reported their opinion relative to it, on the 14th of January; and on the 18th of February, 1823, the minister Andres Quintana, issued the emperor's final decree on the subject. This decree was conformable, in general, to the advice given to the emperor, by the council, in their report, though not exactly, in every particular. (8.)

The great object which took Austin to Mexico being accomplished, he made preparations to depart immediately for Texas, and intended to have started on the 23d of February, but, previous to that day, information reached the city, relative to the progress of the revolution, against the emperor, which convinced all reflecting men, that a great political change of some kind was near at hand.

On the 2d December, Gen. Santa Anna, who commanded at Vera Cruz, raised the standard of opposition to the arbitrary

(8.) See the report of the imperial council, and the decree of the emperor, on file in the archives, and recorded on pages 7, 8, 9, of the register; the decree only is translated.

proceedings of Iturbide, and on the 6th, in union with the civil authorities of that city, he published a "*plan;*" the basis of which was the re-union of the same congress, whose members had been dispersed by the arbitrary order of the emperor, on the 31st October; and that its deliberations should be free from military restraint. General Victoria suddenly appeared from the retreat where he had remained concealed, since his flight from Mexico, in February, 1822, and joined the congress party. A severe, though not decisive battle, was fought at Xalapa, on the 21st of December, between Santa Anna and the imperial troops, in which the former failed to get possession of that town. Generals Guerrero and Bravo also retired suddenly from the capital, and took the field in favor of congress, at the head of the guerrillas, in Oaxaca, and towards Acapulco; and on the 2d February, the army that was besieging Santa Anna in Vera Cruz, under the command of Gen. Echavarri, revolted in a body from the emperor, and forming a junction with the besieged, declared in favor of congress, and published another plan, similar to that of Santa Anna's, called the *plan of Casa Mata.* These events gave great impulse to the revolution, which spread through the province of Vera Cruz, Puebla, Oaxaca, and parts of Mexico. Vivanco, the captain general of Puebla, declared in favor of congress; and owing to his popularity with the soldiers, was appointed commander-in-chief of the "liberating army." All the other parts of the nation, however, had thus far appeared to remain quiet, and in favor of the emperor: though a general anxiety, suspense and excitement, had prevailed since Santa Anna's defection; which was daily becoming more intense, and tending towards a decisive crisis. On the 19th February, the minister, Jose Manuel Herrera, secretly fled from the capital, and concealed himself so effectually, that he was supposed to be dead for two years afterwards. And on the 20th and 21st, information was circulated in the city, of the general defection from the emperor, of those parts of the nation, which had heretofore remained passive; and Iturbide began to be publicly spoken of as a usurper; and some were of opinion that all his acts would be annulled by congress. This would have thrown Austin back to where he started the year before; and it was therefore too important a matter to be left unattended to. He consulted several lawyers and other persons of information on the subject: some gave the opinion that all acts of the government *de facto*, of such an individual nature as this, where the rights and interests of individuals alone were concerned, without

being in any way connected with the general politics of the government or nation, would be good; and others thought that it would be safer to obtain the sanction of congress. It was sufficient for Austin, that any doubt appeared to exist; and he determined to suspend his journey to Texas, and wait the meeting of congress, which it was now evident, must soon take place.

Early in February, the emperor marched out of the city in person, at the head of all the troops he could collect, and occupied a station at the village of Istapaluca, five leagues on the road to Puebla. Finding, however, that he could not rely upon his troops, and that the opposing force, which was approaching on the Puebla road, under Vivanco, greatly exceeded his, and was daily augmenting by desertions from his own army; he consented to a cessation of hostilities, and commissioners were appointed on both sides, to treat. The said commissioners met at the village of Mexicansingo, a few leagues out of the capital, and agreed in substance: that the emperor should retire to Tacubaya, three leagues from the city; that congress should convene, as soon as its dispersed members could be collected; and that all parties should unconditionally submit to whatever congress might dictate; neither to have any troops in the city, and the necessary guards to keep order, were to be placed under the direction of the local civil authority, until congress met. Both parties complied with this treaty. Congress convened, and on the 29th of March decided: 1st. That the sovereign constituent congress of the Mexican nation, was in legal session, there being 103 members present, which was a majority of the whole number, and that its deliberations were entirely free from all military, or other forcible restraint. 2d. That the executive power of Mexico, which had existed since the 19th of May, 1822, up to that time, had ceased. 3d. That this decree should be communicated to the supreme executive power, which would be established by congress, for its publication, &c.— On the 31st, congress decreed that the executive authority of the Mexican nation, should be provisionally deposited in a body, who should be styled, the *Supreme Executive Power*, and be composed of three individuals, &c. On the same day, the three persons who were to compose the executive, were elected by congress, viz. Nicholas Bravo, Guadalupe Victoria, and Pedro Celestino Negrettee; and Jose Mariano Michelena, and Miguel Dominguez, were elected supernumeraries, to fill the places of any of the others who might be absent, until their arrival. (9.)

(9.) See the above decree, on pages 93 and 94, vol. 1st of the

An entirely new organization of the different branches of the government, now took place. On the 8th of April, congress decreed that the coronation of Don Augustin de Iturbide, was an act of violence and force, and was null; and consequently, that the resignation of the crown tendered by him, on the 19th of March, could not be considered by congress, and that the hereditary succession, and all titles emanating from said coronation were null; and all the acts of the last government, from the 19th May 1822, to the 29th May, 1823, were illegal, and subject to be revised, confirmed, or revoked, by the government now established; and finally, said decree banished Iturbide from the Mexican territory forever; but assigned him $25,000 annually, (provided he resided in some part of Italy,) and fixed a pension of $8,000, annually, on his family after his death. (10.)

In consequence of the decree of 8th April, Austin presented a memorial to congress, together with the concession which he had obtained from the last government on the 18th February; and petitioned congress to confirm said concession, or dispose of it as that body might deem proper. On the 11th April, congress passed a decree, referring said memorial and concession to the supreme executive power, to be confirmed by that power, should it have no objections to said confirmation; said decree, also suspended, for the future, the law of colonization, passed by the *Junta Instituyente*, the 4th of Jannary, 1823, until a new resolution of congress on the subject. (11.) On the 14th of April,

"*coleccion de los decretos y ordenes del Soberano Congreso constituyente Mexicana*," printed by order of congress, at the government press, city of Mexico, 1825.

(10.) See said decree, page 108, vol. 1st of the "colleccion," before cited. The emperor issued a proclamation, convening the same congress he had dispersed, and a part of the members met on the 7th of March, though not a quorum; they therefore did no business, and adjourned from day to day, until the 29th, when a quorum met; on the 19th, Iturbide sent to congress his abdication of the throne, on the 30th he left Tacubaya for Tulansingo, under a strong guard, commanded by Gen. Bravo; who escorted him from there to Antigua, near Vera Cruz, where he was embarked on the 11th May, on board an English vessel, for Italy. From Italy, he proceeded to London, and made preparations for returning to Mexico; in consequence of which, on the 28th of April, 1824, congress passed a decree of outlawry against him. He landed at Soto Marina, 14th July 1824, in disguise, and was arrested and shot, at Padilla. on the 19th of that month, at 6 o'clock, P. M.

(11.) See said decree, page 110, vol. 1st of the "colleccion," before cited, and recorded on page 10, of the register.—Translated.

the supreme executive power issued a decree in virtue of the act of congress above mentioned, by which that power confirmed in full, the accession granted to Austin by the imperial government, on the 18th of February, 1823; and said decree was circulated by the minister of interior and exterior relations, Don Garcia Illueca, to the captain general of the internal provinces; and a certified copy of it was delivered to Austin. (12.)

Thus, after one year's detention and exertion in Mexico, Austin, at last, had the satisfaction of leaving there, with his business despatched and confirmed by all the governments which had ruled the Mexican nation, during the said year; and as the last confirmation was by the sovereign constituent congress, whose members were the acknowledged and legal representatives of the people of the nation, there could no shadow of doubt remain, as to the legality and validity of his concession; and on the 28th day of April, he departed from the capital.

On his arrival at Monterrey, the capital of the eastern internal provinces, he presented a consultation to the commandant general, Don Felipe de la Garza, requesting special instructions, and copies of the laws, for the administration of the local government of the new colony, which was committed to his charge, in general terms, by the decree of the supreme government, of 18th February, 1823. This consultation was transmitted by the commandant general, to the provincial deputation of Nueva Leon, Coahuila and Texas, then in session, in that city; who decreed in substance, that Austin's authority, under the said decree of 18th of February, was full and ample, as to the administration of justice, and of the civil local government of the colony; and the command of the militia; and that his grade or rank as a militia officer should be lieutenant colonel; that he could make war on the Indian tribes, who were hostile and molested the settlement; that he could introduce, by the harbor of Galveston, such supplies of provisions, &c. as might be necessary for the settlement in its infancy; in short, that he should preserve good order, and govern the colony in all civil, judicial, and military matters, according to the best of his abilities, and as justice might require, until the government was otherwise organized, and copies of laws were furnished, rendering to the governor of Texas an account of his acts, or of any important event that might occur, and being himself subject to him and the commandant general. The local government was thus com-

(12.) See said decree on file, and recorded on page 10, of the register.—Translated.

mitted to him with the most extensive powers, but without any copies of laws, or specific instructions whatever, for his guide; the act of the deputation, therefore; left the matter in substance, precisely where the decree of 18th of February had placed it. (13.)

On the 17th of July, the governor of Texas, Don Luciano Garcia, appointed the Baron de Bastrop, commissioner on the part of the government, to survey the lands for the settlers of the new colony, and in union with Austin, to issue titles to each one, in the name of the government, conformably to the decree of 18th February, 1823. (14.) The said governor, by an official act, dated the 26th July, also gave the name of "San Felipe de Austin," to the town, which was to be laid off for the capital of the new colony. (15.)

In August, Austin arrived in the colony, in company with the commissioner, Baron de Bastrop. (16.) The settlement was nearly broken up, in consequence of his long detention in Mexico, and emigration had totally ceased. Many of the first emigrants had returned, and a number of those who started from the United States, for this settlement, had stopped on the Ayesh Bayou, and round Nacogdoches, or on the Trinity; and by this means, the settlement of those sections of country, was commenced. Such arrangements were made by the commissioner, Bastrop, as were necessary, and he then returned to Bexar, to fill his station, as a member of the deputation of Texas.

In 1824, the commissioner, Bastrop, again returned to the colony, and in union with Austin, issued the titles to the settlers, for the lands which had been surveyed up to that time; (17) but

(13.) See said consultation and proceedings thereon, on file, and recorded on pages 10, 11, 12, of the register; not translated, because, its substance is stated above.

(14.) See said commission on file, and recorded on page 13, of the register—translated.

(15.) See official letter on the subject, on file, and recorded on page 14, of the register.

(16.) See official letter of the commissioner, Bastrop, to James Cummins, alcalde of Colorado, dated at Castleman's, on that river, August 5th, 1823, relative to the new colony, and to Austin's authority.—After which said commissioner, and Austin, proceeded to the house of J. H. Bell, alcalde of the Brazos, and gave the same information to the inhabitants there, by which acts, they both entered into their respective offices and duties. Page 15, register—translated.

(17.) See official letter of Jose Antonio Saucedo, political chief of Texas, dated 23d June, 1824, recorded page 15, register, to Austin,

as the said Bastrop had been elected a member of the legislature of the state of Coahuila and Texas, just established, he could not remain long enough to complete the surveys and titles for the whole of said 300 families, all of whom had by this time emigrated, and were in the country. He therefore departed for Saltillo, in September, and left a part of the titles unfinished, which, together with the other unfinished business of the colony, was completed by the commissioner Gasper Flores, who was specially commissioned for that purpose, by the lieutenant governor of the state of Coahuila and Texas, Don Victor Blanco, then exercising the duties of governor. (18.)

By referring to the 23d article of the law of 4th January, 1823, it will be seen that the lands granted under that law, in virtue of the concession of the 18th February, of the same year, are subject to the condition of being cultivated by the grantee, within two years from the date of the title, and the same condition is also inserted in each of the titles; which condition being complied wtih, the title is unconditional, clear, absolute, and inviolable, as will be seen by examining said law, and particularly the 22d article.

As regards the limits of the old colony, it will be seen by reference to the concession of the emperor, of 18th February, 1823, that specific limits were not considered necessary, because the colony would be composed of the lands occupied by said 300 families. The rambling disposition of the emigrants, dispersed them from the east bank of Labaca to the east side of San Jacinto, and from the sea shore to the upper, or San Antonio road, and land was granted to them in those limits. All the vacant lands that remained after supplying the settlers and the

transcribing his letter to the alcaldes, informing them that the commissioner, Bastrop, had come on, to issue titles to the settlers, "so soon as they should pay the fees established by the fee bill, which he circulated while here," which was on the 20th May of that year; by which fee bill, the whole expenses on a league of land were fixed at $165. It was owing to Austin that this order was not rigidly enforced; and that the titles were issued without paying any thing down, except by those who it was known, had it to spare; and that notes were taken for said fees, at long annual payments, and that many who are poor have not been sued on their notes, even to this day. Also, see his official letters, dated 22d June, on same subject, and relative to *stamp paper*,—same page—translated.

(18.) See the commission of Gasper Floris, dated 7th February, 1827, recorded page 16, register—translated.

empresario with their portions, was of course the public land of the nation. This dispersed settlement of the emigrants, rendered the task of locating, protecting and governing them, much more difficult and expensive than it otherwise would have been; and it was only tolerated on the ground, that, if the settlers could sustain themselves from Indian attacks, (and they thought they could,) a scattered settlement, within reasonable bounds, would ultimately be of more advantage to the nation, than if the emigrants had all been huddled together; for it disseminated facilities for the establishment of new emigrants, hereafter, over an extensive tract of country. The good policy of this scattering system, is now daily proved: corn, pork, &c. can now be had in every direction, without the trouble of distant transportation.—It is, however, also attended with inconveniencies which hardy enterprize alone would submit to.

The foregoing narrative, with an examination of the documents referred to, will, it is believed, be sufficient to explain to the settlers of the first colony how, and under what authority, they originally came into this country; the delays growing out of the revolutionary state of political affairs, and other circumstances, that were beyond the control of Austin, which embarrassed the progress of the settlement in its first stages; the exertions made by him to remove those embarrassments, and procure titles for the settlers; and finally, the nature and validity of these titles.

As regards the local government of the colony, it will be sufficient to state, that Austin finding on his return from Mexico, that it would be impossible for him to attend to the land business of the settlers, and the civil affairs of the local government, and also to attend in person, to the administration of justice, through all its perplexing details, in every small case that might occur; continued the two alcalde's districts, into which the settlement had been previously divided, by order of the governor of Texas, Jose Feliu Trespalacios, and likewise formed some additional ones, directing that an alcalde or justice should be elected by the people in each; he gave these alcaldes jurisdiction to $200, with an appeal to him, as the judge of the colony, on all sums over $25. He also formed a code of provisional regulations, in civil and criminal matters, which was approved by the governor of Texas.

In the month of September, 1824, Mr. Samuel M. Williams was appointed by Austin, secretary of the local government of the colony, which appointment was approved by the governor

of Texas, and since that time, he has discharged the duties of that office with a degree of fidelity and industry, which justly entitles him to the approbation and confidence of the inhabitants of this settlement. Austin not having the means of paying him a compensation equal to his services, he has labored without an adequate salary; and the perquisites which he has received in five years, would not have supported him one. The land and other records of this colony, present abundant evidence of his neatness and accuracy; and the register, or record book, in which the land documents, and title deeds, are recorded, will forever afford proof of the labor, care and precaution, that have been devoted for the perpetuation of those important documents. It will be remembered that this labor, the formation of the register, was gratuitous on the part of Austin, and the secretary Williams. Neither of them have ever received one cent of compensation for it. The former considered it necessary for the future security of the settlers, that the records should be placed in such a shape, as would render them less liable to be lost or defaced, than they would be, in their original state; for agreeably to the mode of issuing the titles, each one was on a separate and loose sheet of stamp paper, the original being retained in the office as the record, and a certified copy issued to the interested person. It is evident, that records kept in that way, would be liable in time, to wear out, and be totally destroyed, even if they were not misplaced, and lest any difficulties should arise from this, Austin petition the government of the state, that an order might be issued from the competent authority, for the transfer of all the records of the colony, that were on loose sheets of paper, into a large bound register or record book.— The said order was accordingly issued, prescribing, particularly, the mode of making such transfer, and declaring that documents thus transferred, should have the same validity in law, as the originals. The mode of transfer was, that each document should be copied into said register, and then compared, word for word, with the original, by the commissioner, Gasper Floris, the empresario Austin, and the alcalde of the jurisdiction; all of whom should certify that each document was truly copied from the original, and then sign their names, with two witnesses. (19.)— This was an immense labor; for independent of the documents and title deeds, it also included the plot of each tract, at the end

(19.) See said order on file—recorded page 2d register—translated.

of the title. Austin paid the surveyor, Seth Ingram, at the rate of five dollars per day, for this part of the work.

It will be seen by an examination of the authority that was vested in Austin relative to the local government of the colony, that it was extensive, and without clearly defined limits, except submission to the governor of Texas, and the commandant general; and that consequently the degree of moral, as well as personal responsibility, which rested upon him individually, was co-extensively great. Had he been furnished with laws and fixed rules for a guide, his responsibility would have depended on his observance of, or departure from those laws or fixed rules; but placed as he was, a peculiar or prejudiced view of his acts, by his superiors, might have involved him in total ruin or unmerited disgrace. It will also be seen that no salary or allowance whatever was assigned him, to defray the expenses of the local government, all of which consequently had to be borne by himself, and which in this jurisdiction were many, owing to its peculiar situation with respect to the Indians, and also for the want of regular soldiers, for expresses, guards, &c., as well as many other expenses, besides those of the office, and the secretary's salary. It will also be remembered that Ausiin contracted with the government to introduce a certain number of families, for which he was to receive as a premium, a certain quantity of land; but he was not bound in any manner by that contract, to take upon himself the labor, responsibility and expense of the local government; and had he refused to have done it, and some other person had been appointed for that purpose, it would not in any way have interfered with his right to premium land. So that it was, in fact, altogether gratuitous on his part, so far as depended on his contract with the government, to undertake that labor, or not, as he pleased. Why then did he accept of so heavy and expensive a charge?—He accepted it because it was necessary for the advancement of the colony, that some one should do so; and no one would have accepted it without a compensation; he considered that he was bound by the original contracts, which he thought were fairly and publicly made, between him and the settlers, previous to the commencement of the colony, as heretofore stated; to be at all the labor and expense of procuring the titles, and advancing the settlement, so far as it lay in his power, by his individual exertions; calculating that the settlers would never wish to evade the payment stipulated on their parts, when they saw that he had complied, and more than complied on his; for he promised them lands by

hundreds of acres, and they have received it by *thousands;* league tracts were granted to them by the government, in place of the sections promised by Austin. His expectations, however, were all disappointed, the original contracts passed away; and the colony was dragged forward, amidst pecuniary embarrassments and poverty, with the fatal weight of internal opposition superadded to its other difficulties.

Some misunderstanding has heretofore existed in regard to the payments on land in this colony. For instance, it has been stated by those who knew nothing of the law, or of the subject, that Austin sold the land to the settlers; that he exacted from them what he had no right by law to exact; that he was speculating on the settlers, &c. &c. Never has he asked one settler to pay him one cent in virtue of the colonization, or any other law, except the law of mutual good faith, between man and man, in their private and individual dealings. He entered into a fair and equitable contract with them, in a public and open manner, in 1821; binding himself to do certain things for their benefit; to wit—to receive them in the number of the 300 families, which he was authorized to introduce, and settle in Texas; a privilege which, at that time, was not, and never before had been granted, to any foreigners, except individual cases, under peculiar circumstances, and obtained by the most powerful patronage; and one which was not, and could not be legally granted to any others, except to said 300 families, until after the passing of the national colonization law of 18th August 1824, and the state law of 25th March, 1825; up to that time, there was no colonization law, and no authority whatever in any other person to admit emigrants; for the same act of congress of the 11th April, 1823, which confirmed this privilege to Austin, closed the door as to all others, by suspending the law of 4th January, 1823. True it is, that emigrants did come in previous to the passing of the law of 18th August, 1824, or that of the state law of 1825, who stopped on the Ayesh Bayou, round Nacogdoches, and on Trinity; but they have not yet obtained titles, and were liable to be driven off, by the government. Those who will take the trouble to enquire, may see that Austin, at an early day, informed the government, that many of those settlers came into the country in consequence of his publications in the United States, relative to the 300 families, and had stopped where they were, owing to his long detention in Mexico, and the consequent discouraging reports about his settlement; and that, therefore, they were innocent of any intention to intrude, ille-

gally into the country. He agreed to procure for said 300 families, titles for a certain quantity of land, and deliver them to the settlers at his own cost, he being at all the expense and labor of petitioning, translating, surveying, managing their affairs with government, and all other expenses of a necessary and public nature, for the advancement of the colony: for all which, they, on their parts, stipulated in the manner before stated, to pay him twelve and a half cents per acre, to be paid in instalments, in produce of the country, after receipt of title. His great object and ambition were, and always have been, to succeed with the enterprize, which he believed he could not do, without the aid of funds. He also believed that the above contracts, opened the only safe means of raising them; and they also presented to him a distant prospect of refunding to him the money he had to spend in the outset, before he could call on the settlers for any payments; for he had no right to make such call until after the titles were delivered; and consequently, all the risk of money, labor, and character, was run by him alone, until he completed the business. Because, had he failed in the enterprize, he would have lost all—the character of a visionary or wild speculator would have been given to him by many, and some would have considered that a failure was a crime, or evidence of a want of industry or capacity; which to a certain degree, must have injured his prospects in any other business; and to this heavy account, was to be superadded; the time, expenses, and sufferings, of his father. Under the faith of those contracts, therefore, he abandoned all prospects in the United States, some of which were flattering; undertook the enterprize, and devoted himself to a life of toil and privations in a wilderness. He also made engagements in 1821, which, added to other pecuniary embarrassments, growing out of this colonization business, has kept him too poor even to afford the means of living with that decency which would be expected from the head of such an enterprize as this; and which, in fact, the respectability of the settlement itself, would seem to require; and if what land he has acquired, (and he has but little else,) was valued at its present rates, he is now nearly insolvent. Other men, who have never had any other trouble than to attend to their private affairs, and to receive their titles, have derived more benefit from his labors than he has. As regards his selling land to settlers: the idea of an empresario, under the colonization law, selling the land of this nation, is so absurd, that it would be an insult to the understanding of those who can read that

law, even to refute it. There never have been any payments made to him under the original contracts, although many offered it; but those contracts were interfered with in a manner which rendered it doubtful whether they could have been generally enforced, without jeopardizing the principal motive which had stimulated him to persevere in the entrprize, which was to settle the country, and not merely to make a speculation. Had the latter been his object, he certainly would have made a totally different use of the extensive powers that were placed in his hands, than spending his life in a wilderness, harassed by constant cares and perplexities. He, therefore, would not accept of a compliance of the original contracts, from any one, unless it was also exacted from all; thus, those contracts passed away forever; and the payments on the land titles were regulated by the political chief or governor of Texas, by a fee bill which he published the 20th of May, 1824: those payments were for the commissioner's fees, office fees, stamp paper, surveying fees, &c. A considerable number of the settlers have never to this day paid those fees, that part of them who are too poor have never been called on. The portion of their fees that had to be promptly paid before they could have gotten a title, has been raised for them by Austin, out of other means. He has himself been their translator, their agent, and done all their business for them, even in some cases, to the selecting and locating their lands, and has delivered their deeds to them; for all which, he has received from some of them, murmurings and abuse. It can, however, be truly said, to the honor of the north American character, that the murmuring part of the settlers is limited to a very small number, and it is to be hoped that what has appeared to be ingratitude, even in them, has arisen solely, from not understanding the subject, rather than from disposition.

It is just to correct another erroneous idea, that at one time prevailed—which was, that the fees were paid in money. Money was required from those who it was known had it to spare, which was used to make up the cash payments to the government for the stamp paper, commissioner's fees, &c.; and thus money was raised for the cash payments which had to be made on the deeds of all those who could not raise it themselves; and by that means, and that alone, the poor were provided for as well as the rich; no one was turned away, or ever waited for his title, because he was poor; and many have received leagues of land in this colony, who were not worth twenty dollars when they reached here. This system, however, caused murmurs

against Austin, on the ground that a distinction was made, and partiality shown. They did not reflect that it was the interest of all to get the settlement under way, and that if poor men had been turned off, because they could not pay the fees, the settlement would have been thinned so much, that it would have been totally broken up. A clamor was raised, and, strange as it may now appear, some of the poorer class, who were most benefited by that system, joined in it. The mass of the settlers who have paid any thing, paid it in cows, at twenty to twenty-five dollars a head, corn at two or three dollars a bushel, &c. &c.; which property, thus received, has been sold for two-thirds less than it was received at to raise cash, it being necessary to resort to all manner of shifts, to raise the means of keeping up the local government, and managing along the settlers, so as to prevent them from running headlong into anarchy and confusion. It will be remembered, that Austin was not supported by the strong arm of government; there never was one soldier stationed in the colony; and for the four first years there were not fifty in all Texas, nor within five hundred miles of it; that he had not the aid of general laws, printed and published in the language of the settlers, by which to restrain them, or guide himself; and that he was not even left to the uncontrolled dictates of his own judgment; for, in that particular, he was absolutely subject to the commandant general, and governor of Texas, or to the land commissioner, who was united with him; all of whom, except the last, had seen but little of north Americans, except under unfavorable circumstances, and knew but little of their real character or habits: he had, therefore, to resort to such resources as circumstances would permit. In the absence of specific laws, there are two modes of governing—one by force, the other by reason and mild measures. The latter course, perhaps, was most congenial with his disposition, even if the other had been in his power; he adopted it, and has been censured by some for following it to the extent he did. His task was rather difficult; he was isolated, destitute of funds, and inexperienced; no disinterested advisers could approach him, for it was the interest of each one to get all he could for himself; and he may have committed many errors; he has, however, the consolation of having succeeded in the enterprize, a thing which no other, who has attempted it, has done; he has uniformly received the approbation of government; and within the last two years, has also received manifestations of confidence from the settlers, themselves, in general; which to him is the most gratifying testimonial that

could possibly be offered; for they ought to be the best judges of his acts, having witnessed them all, and been immediately interested.

The foregoing remarks relative to the payments on land, and to the local government of the colony, are made, in order to correct some erroneous impressions that at one time prevailed on the subject. It is no more than justice that the matter should be placed in its true light; and it is equally just, that the conduct and motives of the settlers should be noticed, lest, from what has been said, some should be inclined to censure them; for any such censure would be unmerited. It will be remembered, that these settlers had always been accustomed, from their infancy, to see all the laws and orders of government printed and published; that none of them understood the Spanish language; and that there were no translators but Austin and the secretary; and consequently that every thing had to pass through, and from them; that there was no way of publishing any thing, except by manuscript copies. Also, it was natural, as regards the twelve and a half cents per acre, for the settlers to make a gross calculation of the amount, that all the land distributed in the colony, would come to, and suppose that all that sum was to go into the pockets of Austin, for they made no allowance for many of the settlers, who would be unable to pay any thing, at least, for many years; neither did they make an allowance for the incalculable loss on payments in produce, and property, at double, and treble, its cash value; neither were they competent to make any calculation at all, as to the amount which he had spent, and was still compelled to spend, to complete the titles, and keep the local government in progress and safety; for on these subjects they had no data, nor any opportunity of procuring them. It will also be remembered, that an opinion prevailed, that Austin's authority was almost absolute; and that most of the settlers were strangers to him, and to each other, and uninformed as to the nature of the government, as it then existed. They understood in general terms, that it was a republic, but they did not reflect that it was an infant republic, just springing into existence, and that there had not been time to form the constitution, and to complete the organization and details of all the various departments. Added to all this, innumerable embarrassments arose in the selecting, surveying, and distributing lands, owing to the rambling and unsettled disposition of some of the emigrants, and to the want of more specific, and fixed rules on the subject, in the colonization law, and, also to the en-

vy and jealousies which grew out of the extensive powers that were granted to Austin and the commissioner, by the 9th article of the colonization law, and by that part of the decree of 18th February, 1823, which speaks of an increase of quantity.—When all these things are duly considered, and also that duty to themselves and families, required the settlers to be cautious, about incurring pecuniary responsibilities; abundant reasons may be discovered, why they should think, that causes for jealousy and complaints, against Austin, existed; they doubtless thought they were right, and acted accordingly.

A candid and impartial review of the whole matter, therefore leads to the conclusion, that the settlers have done their duty, and have been much clearer from internal dissensions, than could be expected, under all the circumstances. They have uniformly been unshaken in their fidelity; and ready and willing to discharge their obligations as Mexican citizens; they have borne with the most inflexible fortitude, all the privations to which their situation exposed them, and have contributed largely in laying a foundation for the future prosperity of Texas, by commencing the settlement of its wilderness. The idea, which appears to be entertained, by some persons in the United States, that the early population of Texas is composed of fugitives from other countries, is totally incorrect and unjust. It was natural to suppose that some fugitives might enter the country, and measures were taken at an early day, both by the government and by Austin, so far as his authority extended, to shield Texas from that evil. He expelled several from this colony in 1823—4, under the severest threats of corporal punishment if they returned, and in one instance, he inflicted it. This is mentioned for the sole purpose of proving, that there could not have been many of that class here, for Austin had no force but the militia, which was composed of the settlers themselves. As regards the general morality and hospitality of the inhabitants, and the commission of crime, this settlement will bear a favorable comparison with any county in the United States, however celebrated for its exemption from such crimes.

If, having escaped many perils, is to be considered as a presage, that fortune has taken this new settlement under her protection, there is abundant reason for hoping that it will prosper in future. It was undertaken, and has been established by individual enterprize alone, without the aid of strong capitalists, and totally unsupported by troops, or succors of any kind, from government. In this respect, it presents an anomaly, in the his-

tory of similar establishments. Independent of perils from hostile Indians, scarcity of provisions, internal dissensions, and many others, incident to an infant and wilderness settlement; it has seen four great political changes in the government of this nation, and it has worked its way in peace and safety through them all. Those changes were from the despotic government of Spain to the independent government under the regency, in 1821—22, from that to the imperial government in 1822—23, from that to the republic under the supreme executive power, in 1823—24, and from that to the federal system, which now exists.

The foregoing observations have been exclusively confined to the first, or "old colony," as it is frequently called. The colonization laws which are generally in force at this time, will now be noticed, and also the contracts entered into, with the government, by Austin, under those laws; in order that the emigrants who have been settled, or who may wish to settle under said contracts. may fully understand the subject, and the nature of their titles.

In order to give a clear idea of the authority which enacted those laws, the decrees of congress establishing the federal system, will be first referred to.

On the 17th June, 1823, congress decreed that a new constituent congress should be elected by the people, for the express purpose of adopting the form of government, forming the constitution, and organizing the nation, agreeably to the will of the people; which would be fairly expressed by said new congress, thus elected for that purpose. The members of the first congress were ineligible to be elected for the second.

On the 19th of the same month, congress passed a resolution directing the supreme executive power, to inform the people that the then existing congress were in favor of the federal republican system of government, but had not formally adopted that system, and proceeded to form the constitution, because it had decreed on the 17th, that a new congress should be elected for that purpose.

The first congress finally closed its sessions on the 30th of October; and the second constituent congress, whose members had been elected in virtue of the decree of 17th June, convened and opened its sessions on the 5th of November. On the 31st of January. 1824, congress decreed the "*Acta Constituvia de la Federacion Mexicana*," or act of confederation, by which the federal system was formally adopted, and the basis and outlines

of the government established. The federal constitution, however, was not finally sanctioned and promulgated until the 4th of October.

On the 7th of May, congress decreed that the former provinces of Coahuila and Texas should form a state, and proceed immediately to elect its legislature, but that so soon as the latter should be in a situation to form a separate state of itself, the national congress should be informed thereof, for its resolution.

It will be remembered that the colonization law, passed by the imperial government on the 4th of January, 1823, was suspended on the 11th of April, of that year, except in Austin's case. On the 18th August, 1824, congress passed the general colonization law, which is now in force, giving to the states full authority to form colonization laws, and to dispose of the vacant lands within their respective limits agreeably to the basis and conditions therein established. (20.) In virtue of this law, the legislature of the state of Coahuila and Texas, passed the state colonization law, which was approved by the governor, and promulgated the 24th March, 1825, and is now in force. (21.)

In 1824, there was no mail established from Bexar to Nacogdoches, passing through this place, as at this time, and the law of 18th August, was not received here until December, previous to that time, and on the 6th November, Austin forwarded a petition addressed to the supreme executive power of the nation, asking for authority to colonize two or three hundred families more, in addition to his first colony, and praying that Galveston might be made a port of entry. This representation was transmitted to the governor of the state. Afterwards having seen the law of 18th August, and understanding that a state law was discussing in the legislature of the state, he forwarded a petition addressed to the governor of the state, on the 4th of February 1825, repeating in substance, what he had said in that of the 6th November, relative to Galveston, and asking for permission to colonize three hundred families. Having afterwards received information, that the state colonization law was about to be sanctioned, and having heard nothing of his two former petitions, on the 4th of April, 1825, he forwarded a third petition to the governor of the state, asking for authority to colonize five hundred families. Before the last petition reached him, the governor had granted his former one, for the additional three hundred families, and had transmitted to Austin the contract which he was required to sign, and which was to take effect

(20.) (21.) See translations of said laws.

from the day he (Austin,) approved and signed it, which he did on the 4th June, 1825. (22.) After despatching from Saltillo said contract for three hundred families, the governor received Austin's petition of 4th April, asking for authority to colonize five hundred families, which was granted by him on the 20th May, 1825, and made a part of the before mentioned contract, which was thus extended to five hundred, instead of three hundred families. (23.) The said five hundred families were to be settled on the vacant land remaining within the limits of his first colony, which had not been assigned to any other empresario, and which was not within the ten league reserve on the coast.—As the limits of the first colony were not fixed, by specific boundaries, as before stated, Austin petitioned the governor on the subject, who, on the 7th of March, 1827, added another article to the contract, for said five hundred families, by which the limits, within which they were to be settled, were fixed. (24.)—The term of six years, from the 4th June, 1825, the day on which Austin signed it, is fixed for the completion of this contract for five hundred families. On the 1st of April, 1826, the government commissioned Gasper Flores, commissioner for issuing titles in said colony, for five hundred families. (25.)

On the 20th November, 1827, Austin entered into another contract with the government of the state, for one hundred families to be settled on the east side of the Colorado, above the San Antonio road. This contract expires six years from its date. (26.)

On the 5th June, 1826, Austin petitioned the president for permission to colonize the vacant land lying within the ten league reserve, on the coast from Labaca to San Jacinto, and on the 22d of April, 1828, the president granted said petition, in virtue of which, a contract was entered into by Austin, with the state government, to settle three hundred families within said

(22.) See the governor's official letter, and the contract on file in the records—translated. Galveston was made a port of entry by law, 17th October, 1825.

(23.) See the governor's official letter on file—translated.

(24.) See said additional article on file—translated.

(25.) See said commission on file—translated.

(26.) See said contract on file, not translated, because it is in substance the same as the other, with the difference that it directs the founding a town at the crossing of the road on the Colorado river, and specially authorizes Austin to locate the settlers on their land; the tittes however have to be issued by the government commissioner.

ten league reserve, which contract expires six years from the 29th July, 1828, that being the day on which he signed said contract. Austin is also appointed the government commissioner, for surveying the land, and issuing titles to said three hundred families, within said ten league reserve colony. (27.)

It is not considered necessary to make any remarks on the national law of 18th August, 1824, on the state law of 25th March, 1825, nor on the contracts or the instructions to Austin, as commissioner of the reserve lands on the coast, for translations of them all are herein published;—here this introduction will therefore close.

(27.) See said contract and the instructions to him as commissioner, on file—translated.

ADVERTISEMENT.

In the foregoing introduction, I have endeavored to present to my companions, and fellow laborers in the first settlement of this wilderness, a faithful history of their land titles, which was considered necessary for the better understanding of the laws, decrees, &c., herein published. This matter was so closely connected with the agency, which my deceased father, and myself, have had in procuring the titles, that one could not be fully explained, without giving a detailed account of the other; which, it is hoped, will be a sufficient apology for having noticed so minutely, all his and my own acts, in the business.— I also considered that it was no more than justice to the settlers, and to myself to place the whole matter in its true light, in order to remove any erroneous impressions which may have existed.

This colony has received the most cordial and uninterrupted manifestations of liberality, confidence, and kindness from every superior officer, who has governed the province of Texas, or the state of Coahuila and Texas, from its first commencement to the present time; and for its services on one occasion, it received in flattering terms, the approbation of the president. These testimonials are too high and unimpeachable, to leave any doubt as to the morality, honor and integrity, of the great mass of the settlers. But to say that there are no bad men here would be a violation of candor and truth. There are some individuals who are exceptions to the highly honorable general character which these inhabitants justly deserve, and who are meeting their reward in the frowns of public opinion.

As stated in the introduction, the object was not to give a minute history of the colony, except so far as was necessary to a clear elucidation of the authority under which it was undertaken, and has progressed. To have entered into the particulars of all the privations, Indian expeditions, &c., would have swelled the introduction to a size, beyond what the present means of printing it would permit; and besides, such a detail would have added nothing material to an understanding of the nature and validity of the titles, except so far as it tended to prove that the settlers have fully earned, and justly deserve all the land, and privileges they have obtained. This, however, is a fact too evident to require any other proofs for its establishment, than those which are self-evident, and publicly known.

The translations have been carefully made by Mr. S. M. Williams, and myself. It is believed, that should there be any inaccuracies in them, they will be found on examination, to be more of a verbal and unimportant, than of a substantial nature: the originals, however, will always be open in the office, to the inspection of those who wish to examine them.

I should consider that I had not fully complied with my duty, were I to refrain from calling the attention of the settlers to a subject, perhaps of as much importance to them, as the acquisition of their titles has been; which is, the preservation and safe keeping of the records. Since February, 1828, all the records of the colony, except those appertaining to land titles, have been under the charge of the ayuntamiento and alcalde. The land records have remained in my charge, and will probably so continue a short time longer, when they will pass to the ayuntamiento and alcalde. It should be remembered, that those records are all in Spanish, and that all official communications with the government, must be in that language, and that neither the alcalde, nor one of the members of the ayuntamiento, understands Spanish, neither is it probable that any one will be elected for many years, who does understand it. The records of that body are now kept in a very loose and careless manner in a log cabin, exposed to all manner of casualties. The law requires the ayuntamiento, to provide a safe building to keep the records in, and a suitable secretary, thoroughly acquainted with the Spanish and English languages, to take charge of them on his own responsibility, as well as on that of the alcalde and ayuntamiento. The law also fully authorizes that body to raise funds by a municipal tax for the above purposes, and to defray the necessary expenses of the local government, and it is their duty so

to do; a duty which the people owe to themselves, to their own security, and to the protection of their best interests, which are involved in the safe keeping of the records, and supporting the local government of the municipality; to pay said tax, so far as is necessary and reasonable, with promptnesss and cheerfulness.

It is well known that up to February, 1828, the labor and expense of the local government fell principally on me, individually, and that since that period all the Spanish part of the labor, has fallen on Williams and myself, without any compensation. It is also well known, that the translating and other duties connected with the local government are sufficient to occupy all the time and attention of a secretary. Since February, 1828, I have held no office which imposes any other duty on me to aid or interfere in the local civil government, than what belongs to any other citizen. As a citizen, I advised the ayuntamiento of 1828, to resort to a municipal tax; that body thought it would be unpopular, and feared to move. I repeated the advice to the ayuntamiento of 1829, and strongly urged the vast importance of giving respectability, system, and permanency to the local government, by the creation of municipal funds, and the erection of public buildings: as the friend of the settlers, I again repeat the same advice. The mnnicipality is without a jail, a house for public use, or a place to keep the records in; and it is also without a secretary, when it is well known that all its official business must be transacted in Spanish, and that not one of the municipal officers understood one word of that language.— For two years past, the business of the ayuntamiento has been done *for* it, and not *by* it, and an excessive burden has thus been thrown upon the liberality of others. I have before stated, that all the land records would shortly pass from my hands to the alcalde and ayuntamiento; perhaps I ought to be more explicit, and to state distinctly that it is, and for some time past has been, my wish and intention to withdraw, as soon as the welfare of the colony will permit, from every kind of public charge, either direct or indirect. This course is rendered necessary by the state of my health, which is perceptibly declining; and also, by the embarrassed situatiou of my private affairs, which will require more of my time and attention, than I have heretofore been able to devote to them. These considerations may perhaps have caused too much anxiety to see our local government placed on a more respectable and systematic basis than it is at present; I may have wished to accelerate matters more than the resourc-

es of the country will admit, and been too far influenced by an excess of zeal, for what I considered to be the general welfare. My motives however, were good, and had no other object in view than general utility; and I must be permitted to say that this colony is abundantly able to support its local government with decency and energy; I must also observe that the proposed tax is fully as heavy on me, in proportion to my disposable means, as on any other person. For eight years, I have endeavored to be a faithful servant to this colony; it ought not to be supposed that I am to be its slave for life. Owing to my exertions when at the seat of government in 1827, the local government of this municipality was placed exclusively in the hands of the people, sooner than it otherwise would have been; and all that I now ask, is that they will provide the necessary means of administering it, for their own welfare.

With the most sincere wishes for the continued health and prosperity of these settlers,

I remain their most obedient and faithful servant,

S. F. AUSTIN.

San Felipe de Austin, Nov. 1, 1829.

TRANSLATIONS.

(a) *No.* 1.—*Official Communication from Don Antonio Martinez, Governor of Texas, to Moses Austin.*

Under date of 17th January, last past, the commandant general, and superior political chief of the eastern internal provinces writes to me as follows:

"Having thought proper to hear the most excellent provincial deputations, on the representation which your lordship, (usia *b.*) directed to me with your official letter, No. 1110, of the 26th December last, I have just received its resolution, to which I have conformed; it is of the following tenor:"

"It will be very expedient to grant the permission solicited by Moses Austin, that the three hundred families, which he says are desirous to do so, should remove and settle in the province of Texas, but under the conditions indicated in his petition on the subject, presented to the governor of that province, and which your lordship (usia,) transmitted to this department, with your official letter of the 16th instant. Therefore, if to the first or principal requisite of being catholics, or agreeing to become so, before entering the Spanish territory, they also add that of accrediting their good character and habits, as is offered in said petition, and taking the necessary oath to be obedient in all things to the government; to take up arms in its defence against all kind of enemies; and to be faithful to the king; and to ob-

(a) The numbers affixed to the translated documents, refer to the corresponding numbers in the introduction.

(b) *Vuestra Senoria* or *usia*, in the Spanish monarchy, is applied to the nobility and persons high in office: it may be translated, *your lordship, or your honor.*

serve the political constitution of the Spanish monarchy; the most flattering hopes may be formed, that the said province will receive an important augmentation, in agriculture, industry, and arts, by the new emigrants, who will introduce them; which is all that this deputation have to say, in reply to your lordship's aforementioned official letter."

"And I transcribe it to your lordship, for your information and corresponding effects, that you may cause the interested person to be informed thereof, by means of a person of your confidence, who you will despatch with an express; and you will at the same time, send in by said express, some copies of the decree, which I transmitted under date of yesterday, granting a pardon and amnesty to the Spanish refugees, who are on the frontier, in order that they may be restored to the bosom of their country—God preserve your lordship many years.—Monterey, 17th January, 1821.—Joaquin de Arredondo.—To the governor of the province of Texas."

All of which I transcribe to you, for your information and satisfaction, in answer to your petition, for which purpose, and in order to inform you of the deliberations of the most excellent deputation of these provinces, I have despatched with this, a person of my confidence, who is citizen Don Erasmo Seguin; and after having arranged for the removal of said families, which you have contracted with me, it will be important for you to direct, that when said families come on, information shall be immediately given of the time of their arrival, and the place where they have stopped in this territory; and that you then come on in company with my said commissioner, in order that we may agree as to the place or places, where they may wish to establish themselves; so that I may go on there, and delineate the town, and apportion out the lands, agreeably to the families, and species of agriculture they intend to establish; and also to receive from them the before mentioned oath, in order that they may be from that time considered, as members united to the Spanish nation, and enter upon the enjoyment of the benefits which it extends, and concedes to its citizens and to Spaniards.

I also expect from the prudence which your deportment demonstrates, and for your own prosperity and tranquility, that all the families you introduce, shall be honest and industrious, in order that idleness and vice may not pervert the good and meritorious, who are worthy of Spanish esteem, and of the protection of this government, which will be extended to them, in proportion to the moral virtues displayed by each individual.

I also inform you, in order that you may communicate it to those who intend to emigrate, that the supreme Spanish government has just opened the port of the bay of San Bernard, for navigation, and for introductions into this province, which measure, will doubtless be very advantageous to all, and particularly to the new settlers.

God preserve you many years,
ANTONIO MARTINEZ, Gov.

Bexar, 8th February, 1821.
To Mr. Moses Austin, of the new settlement.

[No. 2.] (*Same to the same.*)

Having seen your representation to this government, and finding it to be conformable with its ideas, I have to inform you that although I shall render an account of it to the supreme government, for its deliberation, still not doubting it will be approved of, you can immediately offer to the new settlers the same terms as contained in your proposals, assuring you that should the superior government make any small variation, I will in due time communicate it to you; with which I answer your aforementioned representation.

God preserve you many years,
ANTONIO MARTINEZ.

[No. 3.] (*Same to the same.*)

For the better regulations of the Louisiana families, who are to emigrate, and whilst the new settlement is forming, you will cause them all to understand, that until the government organizes, the authority which has to govern them and administer justice, they must be governed by, and be subordinate to you; for which purpose, I authorize you as their representative, and relying on your faithful discharge of the duty. You will inform me of whatever may occur, in order that such measures may be adopted as may be necessary.

God preserve you many years.
ANTONIO MARTINEZ.

Bexar, 24th August, 1821.

[No. 5.] *Colonization Law of* 1823.

AUGUSTIN, by divine providence, and by the congress of the nation, 1st constitutional emperor of Mexico, and grand master of the imperial order of Guadalupe;—To all who shall see these presents, Know ye, That the junta nacional

instituyente of the Mexican empire, has decreed, and we sanction the following:—

The Junta Nacional Instituyente of the Mexican empire, being convinced by the urgent recommendations of the government, of the necessity and importance of giving to the empire a general law of colonization, have thought proper to decree as follows:

ART. 1. The government of the Mexican nation will protect the liberty, property and civil rights, of all foreigners, who profess the Roman catholic apostolic religion, the established religion of the empire.

ART. 2. To facilitate their establishment, the executive will distribute lands to them, under the conditions and terms, herein expressed.

ART. 3. The empresarios, by whom is understood those who introduced at least two hundred families, shall previously contract with the executive, and inform it what branch of industry they propose to follow, the property or resources they intend to introduce for that purpose, and any other particulars they may deem necessary, in order that with this necessary information, the executive may designate the province to which they must direct themselves, the lands which they can occupy with right of property, and the other circumstances which may be considered necessary.

ART. 4. Families who emigrate, not included in a contract, shall immediately present themselves to the ayuntamiento of the place where they wish to settle, in order that this body, in conformity with the instructions of the executive, may designate the lands corresponding to them, agreeably to the industry which they may establish.

ART. 5. The measurement of land shall be the following —establishing the *vara*, at three geometrical feet; a straight line of five thousand *varas* shall be a league; a square, each of whose sides shall be one league, shall be called a sitio; and this shall be the unity of counting one, two, or more sitios; five sitios shall compose one hacienda.

ART. 6. In the distribution made by government, of lands to the colonists, for the formation of villages, towns, cities, and provinces, a distinction shall be made between grazing lands, destined for the raising of stock, and lands suitable for farming or planting, on account of the facility of irrigation.

ART. 7. One labor shall be composed of one million square varas, that is to say, one thousand varas on each side,

which measurement shall be the unity for counting one, two, or more labors. These labors can be divided into halves and quarters, but not less.

ART. 8. To the colonists whose occupation is farming, there cannot be given less than one labor, and those whose occupation is stock raising there cannot be given less than one sitio.

ART. 9. The government of itself, or by means of the authorities authorized for that purpose, can augment said portions of land as may be deemed proper, agreeably to the conditions and circumstances of the colonists.

ART. 10. Establishments made under the former government which are now pending, shall be regulated by this law in all matters that may occur, but those that are finished shall remain in that state.

ART. 11. As one of the principal objects of laws in free governments, ought to be to approximate, so far as is possible, to an equal distribution of property, the government, taking into consideration the provisions of this law, will adopt measures for dividing out the lands, which may have accumulated in large portions, in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be fixed by appraisers.

ART. 12. The union of many families at one place, shall be called a village, town or city, agreeably to the number of its inhabitants, its extension, locality, and other circumstances which may characterize it, in conformity with the law on that subject. The same regulations for its internal government and police, shall be observed as in the others of the same class in the empire.

ART. 13. Care shall be taken in the formation of said new town, that, so far as the situation of the ground will permit, the streets shall be laid off straight, running north and south, east and west.

ART. 14. Provinces shall be formed, whose superficie shall be six thousand square leagues.

ART. 15. As soon as a sufficient number of families may be united to form one or more towns, their local government shall be regulated, and the constitutional ayuntamientos and other local establishments formed in conformity with the laws.

ART. 16. The government shall take care, in accord with the respective ecclesiastical authority, that these new towns are provided with a sufficient number of spiritual pastors, and in

like manner, it will propose to congress a plan for their decent support.

ART. 17. In the distribution of lands for settlement among the different provinces, the government shall take care that the colonists shall be located in those which it may consider the most important to settle. As a general rule, the colonists who arrive first, shall have the preference in the selection of land.

ART. 18. Natives of the country shall have a preference in the distribution of land; and particularly the military of the army, of the three guarantees, in conformity with the decree of the 27th of March, 1821; and also those who served in the first epoch of the insurrection.

ART. 19. To each empresario who introduces and establishes families in any of the provinces designated for colonization, there shall be granted at the rate of three haciendas and two labors, for each two hundred families so introduced by him, but he will lose the right of property over said lands, should he not have populated and cultivated them in twelve years from the date of the concession. The premium cannot exceed nine haciendas, and six labors, whatever may be the number of families he introduces.

ART. 20. At the end of twenty years the proprietors of the lands, acquired in virtue of the foregoing article, must alienate two thirds part of said lands, either by sale, donation, or in any other manner he pleases. The law authorises him to hold in full property and dominion one third part.

ART. 21. The two foregoing articles are to be understood as governing the contracts made within six months, as after that time, counting from the day of the promulgation of this law, the executive can diminish the premium as it may deem proper, giving an account thereof to congress, with such information as may be deemed necessary.

ART. 22. The date of the concession for lands constitutes an inviolable law, for the right of property and legal ownership; should any one through error, or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price.

ART. 23. If after two years from the date of the concession, the colonist should not have cultivated his land, the right of property shall be considered as renounced; in which case, the respective ayuntamiento can grant it to another.

ART. 24. During the first six years from the date of the

concession, the colonists shall not pay tithes, duties on their produce, nor any contribution under whatever name it may be called.

ART. 25. The next six years from the same date, they shall pay half tithes, and the half of the contributions, whether direct or indirect, that are paid by the other citizens of the empire. After this time, they shall in all things relating to taxes and contributions, be placed on the same footing with the other citizens.

ART. 26. All the instruments of husbandry, machinery, and other utensils, that are introduced by the colonists for their use, at the time of their coming to the empire, shall be free, as also the merchandize introduced by each family, to the amount of two thousand dollars.

ART. 27. All foreigners who come to establish themselves in the empire, shall be considered as naturalized, should they exercise any useful profession or industry, by which, at the end of three years, they have a capital to support themselves with decency, and are married. Those who with the foregoing qualifications, marry Mexicans, will acquire particular merit, for the obtaining letters of citizenship.

ART. 28. Congress will grant letters of citizenship to those who solicit them, in conformity with the constitution of the empire.

ART. 29. Every individual shall be free to leave the empire, and can alienate the lands over which he may have acquired the right of property, agreeably to the tenor of this law, and he can likewise take away from the country, all his property, by paying the duties established by law.

ART. 30. After the publication of this law, there can be no sale or purchase of slaves which may be introduced into the empire. The children of slaves born in the empire, shall be free at fourteen years of age.

ART. 31. All foreigners who may have established themselves in any of the provinces of the empire, under a permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law, in the distribution of said lands.

ART. 32. The executive, as it may conceive necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed with respect to all others, by the provisions of this law.

This law, shall be presented to his Imperial Majesty, for his sanction, publication and fulfilment.—Mexico, 3d January, 1823—3d of the independence of the empire.—Juan Francisco, Bishop of Durango, President.—Antonio de Mier, Member and Secretary.—Juan Batista de Arispe, Member and Secretary.

Therefore, we order all tribunals, Judges, Chiefs, Governors, and all other authorities, as well civil, as military, and ecclesiastical, whatever class or dignity they may be, to comply with this decree, and cause it to be complied with, in all its parts; and you will cause it to be printed, published, and circulated.—Given in Mexico, 4th January, 1823.—Signed by the Emperor.—To Don Jose Manuel de Herrera, Minister of Interior and Exterior Relations.

[No. 8.] (*Decree of the Emperor.*) [c.]

Mexico, February 18, 1823.

Having rendered an account to his majesty of the subject, on which the council has given the foregoing opinion, he has

(c.) After the passage of the colonization law, by the Junta Instituyente, the memorial which Austin presented to congress, soon after his arrival in Mexico, was referred to the imperial council of state, together with all the documents on the subject, who gave their opinion or advice, on which the above decree of the emperor was issued. It is not considered important to translate the whole of said opinion, for its substance is copied, in the emperor's decree. The first part of it is as follows:

"The council of state in session, on the 14th of January, 1823, has examined the documents relative to the establishment of 300 Louisiana families, in the province of Texas, by Don Stephen F. Austin. His memorial on the subject, embraces various points; the first is, that the government confirm to the emigrants, the quantity of land promised by him to the settlers, and that the limits of the establishment, should be fixed as petitioned for, in his memorial. The council are of opinion that Austin was not sufficiently authorized to stipulate with the emigrants, the quantity of land which they should receive in the new settlement; and consequently that they are subject to the regulations of the government, agreeably to the law on that point; and besides, the 10th article of the colonization law, prescribes that all matters on this subject, which might be pending, although they may have been commenced under the former government, shall be regulated by that law; and the 8th article of said law prescribes, &c. [Here the council states the substance of the 8th and 9th articles of the said law, and advises the emperor to order the distribution of land to the settlers, in conformity thereto.] As regards the limits of the colony, the council

thought proper to resolve, in conformity therewith; and consequently declares, in the first place, that Austin was not officially authorized to stipulate with the emigrants what quantity of land they should receive in the new settlement, and therefore they are subject to the regulations of the government, agreeably to the law on that point; and consequently in virtue of said law, there shall be granted to each head of a family, one labor or one league, agreeably to the occupation which he may profess; offering to augment the quantity of land, for all those who may have a numerous family, or who may merit such augmentation, by the establishment of a new species of industry, or by the perfection of those already known, or by other circumstances, which may be useful to the province, or to the empire, it being understood, that to the colonist, who besides farming, also dedicates himself to the raising of stock, there may be granted a league and a labor, in conformity with the 8th article of said law. As respects the designation of boundaries for the new establishment, with the limits described by Austin in his memorial, it is declared to be inadmissible, for the reasons given by the council.

In the second place, Austin is authorized, in union with the governor of Texas, or a commissioner appointed by the latter, to proceed to divide and designate land, and put each of the new colonists in possession of the quantity above indicated, and issue to them the titles in the name of the government. A certified copy of which shall be transmitted to the governor, for the purpose connected with the subject.

In the third place, all the families over and above the said three hundred, who come to settle in Texas, must establish themselves in the interior of the province, adjacent to the ancient settlements, in the manner prescribed by the colonization law. (*d.*)

say, "with respect to the demarcation of the limits for the new establishment, described by Austin in his memorial, the council are of opinion that it need not be granted, because there is not sufficient data, to ascertain the extent of territory embraced by said limits, and also, because there is no motive or necessity for such demarcation, for the colony will, of course, be composed of the lands, granted in full property to the colonists."

(*d.*) Austin petitioned for authority to introduce and settle, an additional number of emigrants, besides the three hundred:—the substance of the opinion given by the council, on this point, is, that it would be expedient to make such an additional, or new contract with Austin, pro-

In the fourth place, and in conformity with the said colonization law, there is granted to Austin, for the expenses which he has been at, a quantity of land in proportion to his families, agreeably to the provisions of the 19th article of said law, and under the conditions contained in said article.

In the fifth place, Austin is authorized to proceed in conformity with said law, to form a town, with the families who have emigrated, or may emigrate, to the number of the three hundred of the permission, at the most suitable place in the section of country which they at present occupy, taking care that it shall be as central as possible, to the lands distributed to the colonists, who must accredit that they are Roman apostolic catholics, and of steady habits. It being understood that the governor of Texas, or his commissioner, in union with Austin, can designate the place, and measure out the land for the establishment of said town; selling the building lots, at the price to be regulated by appraisers, the other particulars embraced under this head, which were petitioned for by Austin, are granted; the governor of Texas is required to give information, of whatever may be necessary for the regulation of the government of said town, and that both it, and any others that are founded, may be furnished with spiritual pastors.

As regards the citizenship which Austin solicits, he is notified to apply to the Junta Nacional Instituyente, whose province it is to grant it.

And finally, he is authorised to organize the colonists into a body of national militia, to preserve tranquility, rendering an account of all to the governor of Texas, and acting under his orders, and those of the captain general of the province; also, until the government of the settlement is organized, he is charged with the administration of justice, settling all difference which may arise among the inhabitants, and preserving good order and tranquillity; rendering an account to the government of any remarkable event that may occur.

ANDRES QUINTANA.

Copy of the fifth article of the memorial of Stephen F. Austin, relative to colonization in the province of Texas, which was granted in the manner stated in the foregoing decree: That authority be granted to him, to found one or more

vided, such new emigrants settled in the interior of Texas, and in the immediate neighborhood of the old settlements of that province, retired from the eastern frontier, but not otherwise.

towns, at such points as he may deem most proper, within the limits designated, and to take for himself, and for his family, sufficient lots for their uses, and with power to grant lots to useful mechanics, gratis; but that all others should pay for them, at the price the government may think proper to establish; the proceeds of which shall be applied to the building of a church, and other establishments of public utility.

I certify the above to be a copy from the original.

MIGUEL RIESGO, Official Primero.

Mexico, 18th Feb., 1823.

[No. 11.] *Decree of the Sovereign Congress*

Most excellent Sir.—Having seen the reasons which the empresario, S. F. Austin has given in his last representation, praying that the concession made to him, by the late government, for the establishment of three hundred families in Texas, should be confirmed. The sovereign constituent congress have thought proper to resolve, that the said petition should be transmitted to the executive, in order, that should it have no objections, it may grant this petition, and any others of the same kind;—also, the sovereign congress have determined, that hereafter, the colonization law, passed by the Junta Instituyente, shall be suspended until a new resolution on the subject. And by order of the sovereign congress, we communicate this to your excellency, accompanied by the said petition.—God preserve your excellency many years.—Mexico, 11th April, 1823.

FLORENTINO MARTINEZ,
Member and Secretary.

JOSE MARIA SANCHEZ,
Member and Secretary.

To his excellency, the minister of interior and exterior relations.

[No. 12.] *Decree of the Supreme Executive Power.*

Mexico, 14th April, 1823.

Having seen the new representation of Stephen F. Austin, praying for a confirmation of the concession granted to him by the late government, by its decree of 18th February last, relative to colonization in the province of Texas; and finding it to be in conformity with the law passed on the subject, by the Junta nacional instituyente; the supreme executive power have thought proper to confirm the said concession, and order that the corresponding title should be given to the interested person, and that

the resolution should be communicated to the commandant general of the internal provinces, and to the governor of the province of Texas, for their information and the corresponding effects.

JOSE IGNACIO GARCIA ILLUECA,
Minister of relations.

[No. 14.] *Commission of the Baron de Bastrop.*

San Fernando de Bexar, 16th July, 1823.

Inasmuch as the more important attentions of government, prevent my executing in person, the various duties connected with the colonial establishment forming by Stephen F. Austin, and using the power granted to me by the laws, and in obedience to the decree of the commandant general of these provinces, brigadier Don Felipe de la Garza, dated 16th June last past.—(*e.*) I have thought proper to appoint, and by these presents, do appoint the second alcalde of this city, the Baron de Bastrop, commissioner, giving to him all legal powers, to proceed to the district of the Colorado and the Brazos, to organize that establishment, in conformity with the decrees on the subject, and such instructions as I may communicate:—a certified copy of which is herewith delivered to him, in order that in continuation he may proceed to discharge the duties which may be necessary, transmitting a statement of his proceedings when they are finished, to this government, for the purposes which may be necessary.

Thus, I, Luciano Garcia, lieutenant colonel of cavalry of New Santender, and governor pro tem., of this province, order and command, signing the present with assisting witnesses, for the want of a notary public, as the law requires; to which I give faith.

LUCIANO GARCIA.

Assisting witnesses.—Jose Antonio Saucedo, and Ilario de la Garza.

(*e*) The decree of the commandant general referred to, is his official communication, at the end of the documents on the subject, including the consultation made by Austin to him, and the proceedings of the deputation thereon, mentioned in the 14th page of the introduction. The commandant general at the close says, "A certified copy of which shall be delivered to Austin for his government, and the original shall be transmitted to the Governor of Texas, who will appoint the commissioner mentioned in the decree of 18th February 1823: and see that said colonial establishment is formed in the manner therein directed."

Official letter from governor Garcia, to S. F. Austin, on the same subject.

As the more important attentions of the government, prevent my going on personally to organize the colonial establishment, forming by you in this province, I have thought proper to commission, with all necessary powers, the second alcalde of this city Baron de Bastrop, who has been selected on acconnt of his well known and superior qualifications, in order that in conformity with the decrees on the subject, and the colonization law; copies of all which I have delivered to him, and also in conformity with such instructions as may in future be communicated to him, he shall proceed to organize said establishment:—which I communicate to you for your information, in order that in accord with said commissioner, you may appoint a day for your departure from this place, and inform me thereof, that I may have the escort ready to accompany you.—God and Liberty.—Bexar, 28th July, 1823.

LUCIANO GARCIA.

[No. 15.] *Official letter from governor Garcia, to the commissioner Bastrop, naming the town of San Felipe de Austin.*

Under date of the 22d inst., I reported to the commandant general of these provinces as follows:—

"In virtue of your official communication of the 16th ultimo, transmitting to me the documents relative to the colonial establishment, forming in this province, by Don Stephen F. Austin, of three hundred families, the receipt of which I acknowledged, by my letter of the 9th instant—I have commissioned the second alcalde of this city, Baron De Bastrop, on account of his geographical knowledge, and his understanding the English language, to proceed to the organization of said establishment, in conformity with the aforementioned documents on the subject, and with such instructions as it may hereafter be necessary to give him; and also to lay out the town, and survey the lands for lots, farms, and stock farms. The name which I have given to the town, but subject to your determination, is San Felipe de Austin, and for its greater formality, should you deem it necessary, I wish the corresponding approval transmitted to me, in order that the commissioner may proceed to execute what may be necessary."

Which I transcribe to you for your information, accompanied with a copy of the colonization law, in order that, in the discharge of your commission, you will be governed by it, and

by the decrees which I have already communicated to you, as also by such instructions as may be necessary to give. You will therefore inform me of the day fixed for your departure, in order that the escort of soldiers, who are to accompany you, may be ready.—God and Liberty.

LUCIANO GARCIA.

Bexar, 26th July, 1823.

No. 16.] *Official letter of the Commissioner Bastrop, to James Cummings, provisional alcalde, on the Colorado.*

The governor pro tem. of this province, lieutenant colonel Don Luciano Garcia, under date of the 16th of last month says to me, as follows:—

"The commandant general of these provinces, brigadier don Felipe de la Garza, under date of the 16th June, last past, says to me as follows:

I transmit to you the documents relative to the colonial establishment, which Don Stephen F. Austin, is permitted to form in that province, in order, that on your part, you give due compliance to the decree of the last government, dated 18th February last past, resanctioned by the present government, on the 14th April, and by me, under this date. You will use all possible efforts to complete the organization of said establishment; charging the commissioner who may be appointed by you, to be expeditious in concluding his duties, and that he make frequent reports of his progress, in order that you may do the same to me, and on its conclusion, you will inform me thereof."

"And I transcribe it to you for your information, and that in virtue of the commission which I have conferred upon you, by my decree of this date, you will proceed in company with said Austin, to organize the colonial establishment which the government has granted to him in this province, for three hundred Louisiana families. You will be governed in all things by the decrees and orders contained in the certified copy of them, which I have delivered to you, and by such other instructions as it may be necessary to communicate to you, until said establishment is organized, and ayuntamientos are established at the places where they may be necessary. The said Don Stephen F. Austin is authorized by the government, to administer justice in that district, and to form a regiment of national militia, over which, for the present, he must be the chief, with the rank of lieutenant colonel; all of which you will make known to the inhabitants of said district, in order that they may recognize the

said Austin, invested with said powers, and obey whatever he may order, relative to the public service of the country, the preservation of good order, and the defence of the nation to which they belong."

And I transcribe it to you for your information, and strict compliance on your part; notifying you, that on Saturday, the 9th instant, you will collect as many of the inhabitants of the district, under your charge, as you can, at the house of Sylvenus Castleman, that I may communicate to them the superior orders with which I am charged, and that said Don Stephen F. Austin, may be recognized by the civil and military authorities dependant on him, and by the new colonists who are under his charge. —God preserve you many years.—At Castleman's, August 5th, 1823.

EL BARON DE BASTROP.

[No. 17.] *Official letter from Jose Antonio Saucedo, political chief of Texas, to Austin.*

Under this date, I have transmitted to the alcaldes of the Colorado and Brazos, the following order:—

"The Baron de Bastrop, the commissioner of this government, proceeds to that district, to put the inhabitants, established in it, in possession of their lands, agreeably to law, and to issue to them the corresponding titles for their security, so soon as they pay the fees established by the fee bill, which I circulated when I was at that point; which I communicate to you for your information, and in order that there may be no delay in the organization of that establishment, you will notify all the inhabitants who wish to settle in it, that they must positively assemble on the day, and at the place fixed, by said commissioner, to put them in possession of their lands, and issue the titles therefor. And you will make the corresponding report of the receipt and execution of this order."

Which I communicate to you for your information and necessary purposes.—God and Liberty.—San Fernando de Bexar, 23d June, 1824.

JOSE ANTONIO SAUCEDO.

Same to the Same.

The great scarcity of public funds, under which this province is suffering, and the urgent necessities at this time felt by its representative bodies, has compelled the Baron de Bastrop, sixth member of the most excellent deputation, to undertake the

fatiguing journey to that place, to collect as much as possible of fees belonging to the nation, agreeably to the fee bill, which I left with you, on the lands granted to those inhabitants, and also for the purpose of issuing titles to them, as the commissioner of this government, in union with yourself. You will in both cases use every possible exertion to carry these measures into due effect, for this the good of the country requires.—God and Liberty.—San Fernando de Bexar, 22d June, 1824.

JOSE ANTONIO SAUCEDO.

Same to the Same, relative to stamp paper.

I send you a copy of the law relative to stamp paper, in order that in conformity therewith, those inhabitants may make out their petitions for lands, on the corresponding stamp, and that the titles may be issued to them on the stamp prescribed by law. And as there is not a sufficiency of stamps in the depot of this city, I authorize you to stamp as much common paper as may be necessary for those inhabitants, doing it by means of a line at the top of each sheet, with these expressions: "*Sello* 3o. *4rrs. Habilitado por la Nacion Mexicana para el ano de* 1824, *Austin.* (*f.*) Signing it with your surname only. After which the interested person shall take the same paper to the alcalde of the district, who, as the provisional collector of the revenue, shall collect its value, and put on the margin of each sheet the following expressions. "*Pago el interesado en este jusgado de mi cargo les cuatro riales importe del Sello anterior.*" (*g.*) Date and signature of the alcalde. The same will be observed with regard to stamps of the other classes. To avoid mistakes, you must keep a circumstantial account of the paper stamped by you, and the alcalde will in like manner, keep an account of the amount collected by him, and each one will make a return thereof, to the government, at the end of the year, without however, delaying to remit the proceeds, as soon as possible, by any safe opportunity that may present.—God and Liberty.—San Fernando de Bexar, 22d June, 1824.

JOSE ANTONIO SAUCEDO.

(*f.*) Seal 3d. four bits; stamped by the Mexican nation for the year 1824.

(*g.*) The interested person, has paid into this office, under my charge, four bits, the value of the above stamp.

[No. 18.] *Appointment of Gasper Flores, as Commissioner, in the place of Baron de Bastrop.*

His excellency, the lieutenant governor of the state, under date of 7th February last past, says to me as follows:—

"It being impossible for Don Felipe Henrique Neri Baron de Bastrop, the former commissioner of the first colony of the empresario, citizen Stephen F. Austin, to leave this capital to conclude the unfinished business of said colony, as well on account of his station as a member of the legislature, as also because he is dangerously ill; I have thought proper to determine in consequence of your official representation, No. 11, of the 16th January last past, and with the consent of said Bastrop, to authorize citizen Gasper Flores, who has been commissioned by the government, for the second colony of said empresario, to complete the business which may be unfinished, in the said first colony, which you will communicate to said citizen, Gasper Flores, for his information and corresponding effects."

And I transcribe it to you for the purposes indicated.—God and Liberty.—Nacogdoches, 19th March, 1827.

JOSE ANTONIO SAUCEDO,
Chief of Department.

To citizen Gasper Flores.

[No. 19.] *Order relative to the Register.*

EXECUTIVE DEPARTMENT,
Of the State of Coahiula and Texas.

Under this date I have issued the following order, to citizen Gasper Flores, commissioner of that colony.

"Having considered the official representation, dated 5th ultimo, directed to me by citizen Stephen F. Austin, empresario of Austin's colony, in that department, relative to the mode of preventing the original documents of that colony, from being lost or destroyed by the lapse of time, I have thought proper to approve of it, and in consequence, order that the following articles shall be observed on the subject, which are in addition to the instructions heretofore given to you.

ART. 1. In order to preserve and perpetuate the documents appertaining to the first enterprize of colonization of the empresario, citizen Stephen F. Austin, in Texas, established in virtue of the supreme decree of the Mexican government, dated 18th February, 1823; of which you are appointed commissioner, in place of the former commissioner, Baron de Bastrop, all the

said documents shall be transcribed, together with the decrees of the government on the subject, and the titles issued in virtue of them, to individuals, and to said empresario, accompanied with a plot of each tract of land, and of the town of San Felipe de Austin, in a large book, well bound, and destined for that object.

ART. 2. At the top of the first page of said book, the following words shall be written, "Register of the documents and titles, issued in the first enterprize of colonization of the empresario, citizen Stephen F. Austin, in Texas," which shall be signed by the commissioner, empresario and alcalde, of the town, with assistant witnesses.

ART. 3. At the end of each document, and title, the following words shall be put: "The foregoing instrument of writing, is literally copied from its original, which is on file in the archives of this colony;" date and signature of the commissioner empresario, and alcalde, with assistant witnesses.

ART. 4. At the end of the register of the whole, the following words shall be put: "The foregoing register, composed of——pages, contains literal and exact copies of all the documents and titles filed in the archives of the first colony of the empresario, citizen Stephen F. Austin, established in Texas, in virtue of the colonization law, of the 4th January, 1823, and of the decree of the supreme government of the Mexican nation, of the 18th of February, confirmed by those of the sovereign constituent congress, and supreme executive power, dated the 11th and 14th April, of the said year 1823, which are copied into this book, and compared with their originals, by the commissioner, citizen Gasper Flores, empresario citizen Stephen F. Austin, and the alcalde of this town, in compliance with the instructions of his excellency, the governor of the state of Coahuila and Texas, dated 31st of May, 1827, for the purpose of preserving and perpetuating said documents in the archives of said colony in a secure form, in order that they may at all times have the same value and legality in law, as their originals: in attestation of all which, we, the said commissioner, empresario, and alcade, sign, &c. &c."

"Inasmuch as I am informed that the book destined for this object, is already acquired by the empresario, and that the stamp paper on which the original titles are extended, has been paid for;—the said book shall be stamped by the collector of the stamp duties of the town of San Felipe de Austin, with the stamp of the fourth seal; and he will collect the value of one

stamp for each leaf, for which purpose he will put the corresponding certificate, on the first and last leaf, expressing in the latter the whole amount of stamps collected, which shall be entered in the accounts of his office.'

Which I transcribe to you for your intelligence and observance, so far as appertains to you in answer to your official representation of the 5th. of last month, relative to the matter.—God and Liberty.—Saltillo, 31st. May, 1827.

ARISPE, Governor of the State.
JUAN ANTONIO PADILLA, Secretary of State.

To Citizen Stephen F. Austin.

[No. 20.] (Decree No. 72.) *National Colonization Law.*

The Supreme Executive Power, provisionally appointed by the General Sovereign Constituent Congress—To all who shall see and understand these presents; know ye—that the said Congress, has decreed as follows:—

Art. 1. The Mexican nation offers to foreigners, who come to establish themselves within its territory, security for their persons and property, provided, they subject themselves to the laws of the country.

Art. 2. This law comprehends those lands of the nation, not the property of individuals, corporations, or towns, which can be colonized.

Art. 3. For this purpose the Legislatures of all the States, will, as soon as possible, form colonization laws, or regulations for their respective states, conforming themselves in all things, to the constitutional act, general constitution, and the regulations established in this law.

Art. 4. There cannot be colonized any lands, comprehended within twenty leagues of the limits of any foreign nation, nor within ten leagues of the coasts, without the previous approbation of the general supreme executive power.

Art. 5. If for the defence and security of the nation, the federal government should deem it necessary to use any portion of these lands, for the construction of warehouses, arsenals, or other public edifices, they can do so, with the approbation of the general congress, or in its recess, of the council of government.

Art. 6. Until after four years from the publication of this law, there shall not be imposed any tax whatever, on the entrance of foreigners, who come to establish themselves for the first time, in the nation.

Art. 7. Until after the year 1840, the general congress shall

not prohibit the entrance of any foreigner, as a colonist, unless imperious circumstances should require it, with respect to the individuals of a particular nation.

Art. 8. The government, without prejudicing the objects of this law, shall take such precautionary measures as it may deem expedient, for the security of the confederation, as respects the foreigners who come to colonize.

Art. 9. A preference shall be given in the distribution of lands, to Mexican citizens, and no other distinction shall be made in regard to them except that which is founded on individual merit, or services rendered the country, or under equal circumstances, a residence in the place where the lands to be distributed are situated.

Art. 10. The military who in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the states, in conformity with the diplomas which are issued to that effect, by the supreme executive power.

Art. 11. If in virtue of the decree alluded to, in the last article, and taking into view the probabilities of life, the supreme executive power should deem it expedient to alienate any portion of land in favor of any officer, whether civil or military of the federation, it can do so from the vacant lands of the territories.

Art. 12. It shall not be permitted to unite in the same hands with the right of property, more than one league square of land, suitable for irrigation, four square leagues in superficie, of arable land without the facilities of irrigation, and six square leagues in superficie of grazing land.

Art. 13. The new colonists shall not transfer their property in mortmain (*manus muertos.*)

Art. 14. This law guarantees the contracts which the empresarios make with the families which they bring at their own expense, provided they are not contrary to the laws.

Art. 15. No person who by virtue of this law, acquires a title to lands, shall hold them if he is domiciliated out of the limits of the republic.

Art. 16. The government in conformity with the provisions established in this law, will proceed to colonize the territories of the republic.

Mexico, 18th. August, 1824.

CAYETANO IBARRA, President.
PEDRO DE AHUMADA, Member & Sec'y.
MANUEL DE VILLAY COCIO, Member & Sec'y.

Therefore, we command it to be printed, circulated, and obeyed— NICOLAS BRAVO, VICENTE GUERRERO, MIGUEL DOMINGUEZ. } Members of the Supreme Executive Power.

[No. 21.] COLONIZATION LAW OF THE STATE OF COAHUILA AND TEXAS.

The Governor provisionally appointed by the Sovereign Congress of this state—to all who shall see these presents; know, —that the said congress, have decreed as follows:—

Decree No. 16. The constituent congress of the free, independent and sovereign State of Coahuila and Texas, desiring by every possible means, to augment the population of its territory; promote the cultivation of its fertile lands; the raising and multiplication of stock, and the progress of the arts, and commerce; and being governed by the constitutional act, the federal constitution, and the basis established by the national decree of the general congress, No. 72, have thought proper to decree the following LAW OF COLONIZATION:

Art. 1. All foreigners, who in virtue of the general laws of the 18th. August, 1824, which guarantees the security of their persons and property, in the territory of the Mexican nation, wish to remove to any of the settlements of the state of Coahuila and Texas, are at liberty to do so; and the said state invites and calls them.

Art. 2. Those who do so instead of being incommoded, shall be admitted by the local authorities of said settlements, who shall freely permit them to pursue any branch of industry, that they may think proper, provided they respect the general laws of the nation, and those of the state.

Art. 3. Any foreigner, already in the limits of the state of Coahuila and Texas, who wishes to settle himself in it, shall make a declaration to that effect, before the Ayuntamiento of the place, which he selects as his residence, the Ayuntamiento in such case, shall administer to him the oath, which he must take to obey the federal and state constitutions, and observe the religion which the former prescribes; the name of the person, and his family if he has any, shall then be registered in a book kept for that purpose, with a statement of where he was born, and whence from, his age, whether married, occupation, and that he has taken the oath prescribed, and considering him from that time, and not before, as domiciliated.

Art. 4. From the day in which any foreigner has been enroll-

ed, as an inhabitant, in conformity with the foregoing article, he is at liberty to designate any vacant land, and the respective political authority will grant it to him in the same manner as to a native of the country, in conformity with the existing laws of the nation, under the condition that the proceedings shall be passed to the government for its approbation.

Art. 5. Foreigners of any nation, or a native of any of the Mexican states, can project the formation of new towns on any lands entirely vacant, or even on those of an individual, in the case mentioned in the 35th article; but the new settlers who present themselves for admission, must prove their christianity, morality, and good habits, by a certificate from the authorities where they formerly resided.

Art. 6. Foreigners who emigrate at the time in which the general sovereign congress may have prohibited their entrance, for the purpose of colonizing, as they have the power to do, after the year 1840, or previous to that time, as respects those of any particular nation, shall not then be admitted; and those who apply in proper time, shall always subject themselves to such precautionary measures of national security, which the supreme government, without prejudicing the object of this law, may think proper to adopt relative to them.

Art. 7. The government shall take care, that within the twenty leagues bordering on the limits of the United States of the North, and ten leagues in a straight line from the coast of the Gulph of Mexico, within the limits of this state, there shall be no other settlements, except such as merit the approbation of the supreme government of the Union, for which object, all petitions on the subject, whether made by Mexicans or foreigners, shall be passed to the superior government, accompanied by a corresponding report.

Art. 8. The projects for new settlements in which one or more persons offer to bring at their own expense, one hundred or more families shall be presented to the government, and if found conformable with this law, they will be admitted; and the government will immediately designate to the contractors, the land where they are to establish themselves, and the term of six years, within which, they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favor, in proportion to the number of families which they fail to introduce, and the contract totally annulled if they do not bring at least one hundred families.

Art. 9. Contracts made by the contractors or undertakers,

Empresarios, with the families brought at their expense, are guaranteed by this law, so far as they are conformable with its provisons.

Art. 10. In the distribution of land, a preference shall be given to the military entitled to them, by the diplomas issued by the supreme executive power, and the Mexican citizens who are not military, among whom there shall be no other distinction, than that founded on their individual merit, or services performed for the country, or in equal circumstances, a residence in the place where the land may be situated; the quantity of land which may be granted, is designated in the following articles:

Art. 11. A square of land, which on each side has one league or five thousand varas, or what is the same thing, a superficie of twenty-five million varas, shall be called a sitio, and this shall be the unity for counting one, two, or more sitios; and also the unity for counting one, two, or more labors, shall be one million square varas, or one thousand varas on each side which shall compose a labor. The vara for this measurement shall be three geometrical feet.

Art. 12. Taking the above unity as a basis, and observing the distinction which must be made, between grazing land, or that which is proper for raising of stock, and farming land, with or without the facility of irrigation; this law grants to the contractor or contractors, for the establishment of a new settlement, for each hundred families which he may introduce and establish in the state, five sitios of grazing land, and five labors at least, the one half of which, shall be without the facility of irrigation, but they can only receive this premium for eight hundred families, although a greater number should be introduced, and no fraction whatever, less than one hundred shall entitle them to any premium, not even proportionally.

Art. 13. Should any contractor or contractors in virtue of the number of families which he may have introduced, acquire in conformity with the last article, more than eleven square leagues of land, it shall nevertheless be granted, but subject to the condition of alienating the excess, within twelve years, and if it is not done, the respective political authority shall do it, by selling it at public sale, delivering the proceeds to the owners, after deducting the costs of sale.

Art. 14. To each family comprehended in a contract, whose sole occupation is cultivation of land, one labor shall be given, should he also be a stock raiser, grazing land shall be added to complete a sitio, and should his only occupation be raising of

stock, he shall only receive a superficie of grazing land, equal to twenty-four million square bars.

Art. 15. Unmarried men shall receive the same quantity when they enter the matrimonial state, and foreigners who marry native Mexicans, shall receive one fourth more; those who are entirely single, or who do not form a part of some family whether foreigners or natives, shall content themselves with the fourth part of the above mentioned quantity, which is all that can be given them until they marry.

Art. 16. Families or unmarried men who, entirely of their own accord, have emigrated and may wish to unite themselves to any new towns, can at all times do so, and the same quantity of land shall be assigned them, which is mentioned in the two last articles, but if they do so in the first six years from the establishment of the settlement, one labor more shall be given to families, and single men in place of the quarter designated in the 15th article, shall have the third part.

Art. 17. It appertains to the government to augment the quantity indicated in the 14, 15, and 16th. articles, in proportion to the family, industry, and activity of the colonists, agreeably to the information given on these subjects by the Ayuntamientos and Commissioners; the said government always observing the provisions of the 12th. article, of the decree of the general congress on the subject.

Art. 18. The families who emigrate in conformity with the 16th article shall immediately present themselves to the political authority of the place which they may have chosen for their residence, who finding in them the requisites, prescribed by this law for new settlers, shall admit them, and put them in possession of the corresponding lands, and shall immediately give an account thereof to the government; who of themselves, or by means of a person commissioned to that effect, will issue them a title.

Art. 19. The Indians of all nations, bordering on the state, as well as wandering tribes that may be within its limits, shall be received in the markets, without paying any duties whatever for commerce, in the products of the country; and if attracted by the moderation and confidence, with which they shall be treated, any of them, after having first declared themselves in favor of our religion and institutions wish to establish themselves in any settlements that are forming, they shall be admitted, and the same quantity of land given them, as to the settlers, spoken of in the 14th. and 15th. articles, always preferring native Indians to strangers.

Art. 20. In order that there may be no vacancies between tracts, of which, great care shall be taken in the distribution of lands; it shall be laid off in squares, or other forms although irregular, if the local situation requires it; and in said distribution, as well as the assignation of lands for new towns, previous notice shall be given to the adjoining proprietors, if any, in order to prevent dissentions and law suits.

Art. 21. If by error in the accession, any land shall be granted, belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere, to the person who may have thus obtained it through error, and he shall be indemnified by the owner of such land, for any improvements he may have made; the just value of which improvements, shall be ascertained by appraisers.

Art. 22. The new settlers as an acknowledgment, shall pay to the state, for each sitio of pasture land, thirty dollars; two dollars and a half, for each labor without the facility of irrigation, and three dollars and a half, for each one that can be irrigated, and so on proportionally according to the quantity and quality of the land distributed; but the said payments need not be made, until six years after the settlement, and by thirds; the first within four years, the second within five years, and the last within six years, under the penalty of losing the land, for a failure, in any of said payments; there are excepted from this payment, the contractors, and military, spoken of in the 10th article; the former, with respect to lands given them, as a premium, and the latter, for those which they obtained, in conformity with their diplomas.

Art. 23. The Ayuntamientos of each municipality (*Comarca,*) shall collect the above mentioned funds, gratis, by means of a committee, appointed either within or without their body; and shall remit them as they are collected, to the treasurer of their funds, who will give the corresponding receipt, and without any other compensation than two and a half per cent., all that shall be allowed him, he shall hold them at the disposition of the government, rendering an account every month of the ingress and egress, and of any remissness or fraud, which he may observe in their collection; for the correct management of all which, the person employed, and the committee, and the individuals of the Ayuntamientos who appoint them, shall be individually responsible, and that this responsibility may be at all times effectual, the said appointments shall be made viva voce, and information shall be given thereof, immediately to the government.

Art. 24. The government will sell to Mexicans, and to them only, such lands as they may wish to purchase, taking care that there shall not be accumulated in the same hands more than eleven sitios; and under the condition, that the purchaser must cultivate what he acquires by this title within six years from its acquisition, under the penalty of losing them; the price of each sitio, subject to the foregoing condition, shall be one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land without the facility of irrigation; and two hundred dollars if it can be irrigated.

Art. 25. Until six years after the publication of this law, the legislature of this state, cannot alter it as regards the acknowledgment, and price to be paid for land, or as regards the quantity and quality, to be distributed to the new settlers, or sold to Mexicans.

Art. 26. The new settlers, who within six years from the date of the possession, have not cultivated or occupied the lands granted them, according to its quality, shall be considered to have renounced them, and the respective political authority, shall immediately proceed to take possession of them, and recall the titles.

Art. 27. The contractors and military, heretofore spoken of, and those who by purchase have acquired lands, can alienate them at any time, but the successor is obliged to cultivate them in the same time, that the original proprietor was bound to do; the other settlers can alienate theirs when they have totally cultivated them, and not before.

Art. 28. By testamentary will, made in conformity with the existing laws, or those which may govern in future, any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it, and if he dies intestate, his property shall be inherited by the person or persons entitled by the laws to it; the heirs being subject to the same obligation and condition imposed on the original grantee.

Art. 29. Lands acquired by virtue of this law, shall not by any title whatever, pass into mortmain.

Art. 30. The new settler who wishing to establish himself in a foreign country, resolves to leave the territory of the state, can do so freely, with all his property; but after leaving the state, he shall not any longer hold his land, and if he had not previously sold it, or the sale should not be in conformity with the 27th article, it shall become entirely vacant.

Art. 31. Foreigners who in conformity with this law, have

obtained land, and established themselves in any new settlement, shall be considered from that moment, naturalized in the country; and by marrying a Mexican, they acquire a particular merit to obtain letters of citizenship of the state, subject however to the provisions which may be made relative to both particulars, in the constitution of the state.

Art. 32. During the first ten years, counting from the day on which the new settlements may have been established, they shall be free from all contributions, of whatever denomination, with the exception of those which, in case of invasion by any enemy, or to prevent it, are generally imposed, and all the produce of agriculture or industry of the new settlers, shall be free from excise duty *Alcabala*, or other duties, throughout every part of the state, with the exception of the duties referred to in the next article; after the termination of that time, the new settlements shall be on the same footing as to taxes, with the old ones, and the colonists shall also in this particular, be on the same footing with the other inhabitants of the state.

Art. 33. From the day of their settlement, the new colonists shall be at liberty to follow any branch of industry, and can also work mines of every description, communicating with the supreme government of the confederation, relative to the general revenue appertaining to it, and subjecting themselves in all other particulars, to the ordinances or taxes, established or which may be established on this branch.

Art. 34. Towns shall be founded on the sites deemed most suitable, by the government, or the person commissioned for this effect, and for each one, there shall be designed four square leagues, whose area may be in a regular or irregular form, agreeably to the situation.

Art. 35. If any of the said sites should be the property of an individual, and the establishment of new towns on them, should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers.

Art. 36. Building lots in the new towns shall be given gratis, to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade; and to the other settlers they shall be sold at public auction, after having been previously valued—under the obligation to pay the purchase money by instalments of one third each; the first in six months, the second in twelve months, and the third in eighteen months; but all owners of lots, including contractors

and artists, shall annually pay one dollar for each lot, which, together with the produce of the sales, shall be collected by the Ayuntamientos, and applied to the building of churches in said towns.

Art. 37. So far as practicable, the towns shall be composed of natives and foreigners, and in their delineations, great care shall be taken to lay off the streets straight, giving them a direction from north to south, and from east to west, when the site will permit it.

Art. 38. For the better location of the said new towns, their regular formation and exact partition of their lands and lots, the government on account of having admitted any project, and agreed with the contractor or contractors, who may have presented it, shall commission a person of intelligence and confidence, giving him such particular instructions as may be deemed necessary and expedient; and authorizing him under his own responsibility, to appoint one or more surveyors, to lay off the town scientifically, and do whatever else may be required.

Art. 39. The Governor in conformity with the last fee bill *Arancel*, of notary public's of the ancient audience of Mexico, shall designate the fees of the commissioner, who in conjunction with the colonists, shall fix the surveyor's fees; but both shall be paid by the colonists, and in the manner which all parties among themselves may agree upon.

Art. 40. As soon as at least forty families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath, to support the general and state constitutions; whichoath will be administered by the commissioner, they shall then, in his presence proceed for the first time, to the election of their municipal authority.

Art. 41. A new town, whose inhabitants shall not be less than two hundred, shall elect an Ayuntamiento, provided there is not another one established within eight leagues, in which case, it shall be added to it. The number of individuals which are to compose the Ayuntamiento, shall be regulated by the existing laws.

Art. 42. Foreigners are eligible, subject to the provisions which the constitution of the state may prescribe, to elect the members of their municipal authorities, and to be elected to the same.

Art. 43. The municipal expences, and all others which may be considered necessary, or of common utility to the new towns, shall be proposed to the Governor, by the Ayuntamientos

through the political chief, accompanied with a plan of the taxes *arbitrios*, which in their opinion may be just and best calculated to raise them, and should the proposed plan, be approved by the Governor, he shall order it to be executed, subject however to the resolution of the legislature, to whom it shall be immediately passed with his report and that of the political chief, who will say whatever occurs to him on the subject.

Art. 44. For the opening and improving of roads, and other public works in Texas, the government will transmit to the chief of that department, the individuals, who in other parts of the state, may have been sentenced to public works as vagrants, or for other crimes, these same persons may be employed by individuals for competent wages, and as soon as the time of their condemnation is expired, they can unite themselves as colonists, to any new settlement, and obtain the corresponding lands, if their reformation shall have made them worthy of such favor in the opinion of the chief of the department, without whose certificate, they shall not be admitted.

Art. 45. The government in accord with the respective ordinary ecclesiastics, will take care to provide the new settlements with the competent number of pastors, and in accord with the same authority, shall propose to the legislature for its approbation, the salary which the said pastors are to receive, which shall be paid by the new settlers.

Art. 46. The new settlers as regards the introduction of slaves, shall subject themselves to the existing laws, and those which may hereafter be established on the subject.

Art. 47. The petitions now pending relative to the subject of this law, shall be despatched in conformity with it, and for this purpose, they shall be passed to the Governor, and the families who may be established within the limits of the state, without having any land assigned them, shall subject themselves to this law, and to the orders of the supreme government of the Union, with respect to those who are within twenty leagues o the limits of the United States of America, and ten leagues in a straight line of the coast of the Gulph of Mexico.

Art. 48. This law shall be published in all the villages of the state, and that it may arrive at the notice of all others, throughout the Mexican confederation, it shall be communicated to their respective legislatures, by the secretary of this state; and the Governor will take particular care to send a certified copy of it, in compliance with the 161st article of the federal constitution, to the two houses of congress, and the supreme executive power of the nation, with a request to the latter, to give it gen-

eral circulation through foreign states, by means of your ambassadors.

The Governor pro tem. of the state will cause it to be published and circulated.—Saltillo, 24th March, 1825.—Signed,

RAFAEL RAMOS Y VALDEZ, President.
JUAN VICENTE GAMPOS, Member & Sec'y.
JOSE JOAQUIN ARCE ROSALES, Member & Sec'y.

Therefore, I command all Authorities, as well civil as military and ecclesiastical, to obey, and cause to be obeyed, the present decree in all its parts.

RAFAEL GONZALES, Governor.

[No. 22.] *Contract with the government of the State for the Colonization of five hundred families.*

EXECUTIVE DEPARTMENT,
Of the state of Coahuila and Texas.

I have before me the representation, directed by you to the supreme government of the nation, dated 6th November, 1824, soliciting that Galvesion might be made a port of entry, and asking authority to settle two or three hundred families, more or less, on the lands contiguous to those already distributed in that colony, and particularly on the bay of Galveston, and the rivers that discharge into it; you also ask authority to found a town, on the island of Galveston, or at some suitable point; which representation was transmitted to me by the honorable legislature of the state, when it communicated to me the law of colonization, passed by that body the 24th of March last, for the purposes which might be necessary, relative to said new colony proposed by you.

Subsequently, I received your representation of the 4th of February last, on the same subject, and proposing to colonize three hundred honest and industrious families, a part of whom were in the country on the Trinity, and Neches rivers, beyond your limits; which families you offer to settle on the waters of the Brazos and Colorado, as high as to the San Antonio road.

In consequence of your representations, and keeping in view the contracts, made by this government a few days since, with four other empresarios, to colonize all the lands adjacent to your colony on the east, north and west, with two thousand four hundred families; in conformity with the law of colonization, and the conditions imposed by the government, excepting only, the ten border leagues on the coast, and twenty border leagues, on the boundary line, reserved by the national colonization law, of the 18th August, 1824, subject to the disposition of the national

government; and being informed that there remains much vacant land within the limits of your first colony, not granted to any person; I hereby grant the permission which you petition for, to settle the three hundred families you mention, on the vacant lands, remaining in the colony now under your charge, and not comprehended in any of those already granted to other empresarios, so as to avoid granting an establishment on lands already assigned to others for that purpose.

In case you still wish to effect the colonization of the said three hundred families, which you propose, within the limits of your first colony, the said additional families must subject themselves to the federal constitution, and that of the state, and to the general and local laws of their adopted country, the said new colony, shall also be regulated by the colonization law of the state of the 24th March last, and you as empresario, must be subject to the following stipulations:

Art. 1. The government admits the proposition presented by citizen Stephen F. Austin. in his representation of the 4th February, of the last year, relative to the colonization of three hundred families, so far as may be conformable with the colonization law, passed by the honorable legislature of this state, 24th March, last; and I hereby designate, in compliance with the 8th article of said law, and in consequence of your representation, the vacant land within the limits of the colony which you have already established, excepting only the ten border leagues on the coast, which can only be colonized with the previous approbation of the supreme executive power of the nation, in conformity with the law of the 18th August, 1824.

Art. 2. You shall respect the possessions given to individuals, who occupy lands within your limits, under legal titles.

Art. 3. In conformity with the said colonization law of the 24th March, the empresario, citizen Stephen F. Austin, shall introduce the three hundred families which he proposes, within the term of six years, counting from the day on which the said empresario signs this contract, under the penalty of losing the rights and privileges granted to him by the 8th article of said law.

Art. 4. The families that are to compose this colony, besides being industrious as offered in the representation, must also be catholics, and of good moral habits, which qualifications must be proved by the documents, required in the 5th article of the colonization law, of the 24th March.

Art. 5. It shall be an obligation upon him, not to admit criminals, vagabonds, or men of bad conduct, and he shall cause all those of this description, who are found within his limits to

leave it, and should it be necessary, he shall put them out by force of arms.

Art. 6. For this purpose, the colonists shall be formed into a body of national militia, of which he shall be the chief, until otherwise directed.

Art. 7. So soon as he shall have introduced at least one hundred families, he shall notify the government thereof, in order that a comissioner may be sent with competent instructions, to put new colonists in possession of their lands, and to establish the new towns agreeably to law.

Art. 8. The official communications with the government, and with the authorities of the state, instruments, and other public acts, must be written in the Spanish language, and when new towns are formed he shall promote the establishment of schools in the Spanish language, in such towns.

Art. 9. It shall also be his duty to promote the building of churches in said towns, and the providing of them with ornaments, sacred vases, and other furniture, destined for divine worship, and to solicit in due time, the necessary number of Priests, for the administration of spiritual affairs.

Art. 10. In all other particulars not expressed in the above stipulations, he shall subject himself to the colonization law, and other general laws.

Art. 11. The foregoing are the conditions or stipulations on which this government admits the new project of colonization, proposed by you, in your aforementioned official representation, and should they be accepted by you, you will so declare under your signature at the end of this instrument, which you will then return to me, to be filed in the archives of this government, and a certified copy thereof and of your official representation, attested by the secretary of state, shall be immediately transmitted to you for your security, in order that you may immediately proceed with said project.—God and liberty.—Saltillo, 27th April, 1825.

RAFAEL GONZALES, Governor of the State.

To Citizen Stephen F. Austin.

Having seen the stipulations and conditions, stated in the foregoing official instrument, of his excellency, Rafael Gonzales, governor of the state of Coahuila and Texas, relative to the colonization of three hundred foreign families, on the vacant lands remaining within the colony, which I have already established in Texas; I hereby declare my acceptaace of the same,

and agree to comply with them in every particular, under the penalty of losing the rights and privileges mentioned in the third article of said stipulations.—San Felipe de Austin, 4th June, 1825.

STEPHEN F. AUSTIN.

[*No.* 23.] *Official letter of the Governor extending the foregoing Contract to five hundred families.*

EXECUTIVE DEPARTMENT,
Of the state of Coahuila and Texas.

On the 27th of April last, I transmitted to you the conditions on which the government admitted the project of colonizing three hundred families, proposed by you to the government of the union, in your representation of the 6th November, 1824, and in that to the government of this state, of the 4th February last, specifying more particularly the section you wish to colonize.

I have just received the new representation which you have transmitted, under the date of the 4th of April last, proposing to establish five hundred families in said new colony; and understanding that the district, designated for you, in my communication of the 27th of April last, is sufficiently extensive to settle the five hundred families which you now propose; I hereby grant you permission to do so, on the same conditions which I have before indicated to you, it being understood that your former petitions on this subject, are all consolidated in the last ones of the 4th of April.

As regards establishing the port of Galveston, I will communicate the result to you separately, as soon as the sovereign congress of the nation determines that question.—God and liberty.—Saltillo, 20th May, 1825.

RAFAEL GONZALES, Governor of the State.

To Citizen Stephen F. Austin.

[*No.* 24.] (*Limits of the above mentioned Colony.*)

EXECUTIVE DEPARTMENT,
Of the State of Coahuila and Texas.

Taking into consideration the representation of citizen Stephen F. Austin, an empresario of the department of Texas, for the colonization of five hundred families, on unappropriated lands of the state, asking a specific demarcation of limits, within which the said families are to be settled; in order to avoid at all times any kind of doubts, or disputes, between adjoining empresarios, or the respective colonists, situated near the same limits,

and keeping in view the concessions granted by this government, to the empresarios Green De Wit, Robert Leftwitch, and John Lucius Woodbury, which are situated on the west, north, and east, of the colony of said citizen Stephen F. Austin; I have thought proper to add, as an additional article to the contract on colonization, concluded the 4th June, 1825, the following permanent demarcation of limits, for the before mentioned colony.

Commencing on the west bank of the river San Jacinto, at the termination of the ten league reserve, from the Gulf of Mexico, and thence following up the right bank of said river to its head, thence due north, to the road leading from Bexar to Nacogdoches; thence following said road westwardly, to a point from whence a line due south will strike the La Baca to within ten leagues of the Gulf of Mexico, and thence eastwardly along the said ten league line parallel with the coast, to the place of beginning.

This order and the petition of said Austin on the subject, shall be added to the documents relative to said colony of five hundred families, and it shall also be communicated to said empresario, and all others who may be interested, for their information.

And I communicate it to you, and under this date have also communicated it to the commissioners of that colony, for the corresponding effects.—God and liberty.—Saltillo, 7th March, 1827.

ARISPE, Governor of the State.

To Citizen Stephen F. Austin.

JUAN ANTONIO PADILLA,
Secretary of State.

[*No.* 25.] (*Commission of Gaspar Flores, for the second colony.*)

EXECUTIVE DEPARTMENT,
Of the State of Coahuila and Texas.

Convinced of your honor, integrity, and other necessary qualifications, I have thought proper to appoint you commissioner for the partition of lands, to the new colonists, in the contract of colonization, of citizen Stephen F. Austin, with the government of this state; which I communicate to you, for your information, with the understanding that I will transmit to you the instructions, and other documents, by which you are to be go-

verned in the discharge of this most important commission.—God and liberty.—Saltillo, 21st April, 1826.

ARISPE,

To Citizen Gaspar Flores.

JUAN ANTONIO PADILLA,
Secretary of State.

[*No. 27.*] *Contract with the Government for settling the reserve land on the coast, between La Baca and San Jacinto.*

Petition of S. F. Austin, to the President.—The land situated within the ten border leagues from the Gulf of Mexico on the Brazos and Colorado rivers is in part colonized by me, under the concession granted by the supreme government of the Mexican nation, thus leaving a portion of vacant land within said ten leagues; and as it is of great importance to the prosperity of this new colonial establishment, that said ten leagues should be added to the colony, which the government of the state of Coahuila and Texas has assigned to me, for the settlement of the five hundred families which I have contracted to introduce; I therefore petition the national government to grant me permission to colonize the ten border leagues on the coast, within the following limits—to wit, beginning on the east side of the La Baca, ten leagues from the coast, thence eastwardly following the northern boundary of the ten border leagues, to the river San Jacinto; thence down the same to the coast, thence following the latter westwardly to the mouth of said La Baca, and up said river to the place of beginning; comprehending all the vacant lands between said rivers La Baca and San Jacinto, and within the ten border leagues from the coast; and that said section of country should be added to the before mentioned colony, to be colonized under the same conditions stipulated with the government of the state of Coahuila and Texas, for said colony of five hundred families.

STEPHEN F. AUSTIN.

San Felipe de Austin, 5th June, 1826.

(*Opinion of the Governor of the State on the foregoing petition.*)

Most Excellent Sir:—I have the honor to transmit to your excellency the original petition of citizen Stephen F. Austin, empresario of the colony of this name, on the Brazos and Colorado rivers in Texas; soliciting permission to colonize the ten border leagues on the Gulf of Mexico, between La Baca and San Jacinto.

Having completed the colony of three hundred families, which the said Austin contracted with the supreme government of the nation in April 1823, he solicited, in 1825, authority from the state government to introduce five hundred families more, and settle them in the section of country designated for his first colony, and a contract was entered into with him, for that purpose, on the terms and conditions expressed in the copy of said contract; which I herewith have the honor of transmitting to your excellency for the better elucidation of this subject.

This government in forwarding the above mentioned petition to your excellency, in compliance with the 7th article of the colonization law of this state of the 24th March, 1825, has the satisfaction of informing your excellency, that it can discover no objections whatever to the approval of said petition by the supreme government of the nation, but on the contrary it is of opinion that great benefits will result from said establishment; and that commerce, in the products of the new colonists, will flourish in consequence of the settlement of those lands, and the opening of the ports of the Brazos, Colorado, and La Baca.

As regards the merits of the said empresario, I can assure your excellency, that besides being the first who introduced the first families in Texas, when the country was an entire wilderness, and being a citizen of this nation, by a special letter of citizenship, he has proved by his conduct and adhesion to the established government, that he merits the highest confidence. —God and liberty.—Saltillo, 17th July, 1826.

VICTOR BLANCO.
JUAN ANTONIO PADILLA,
Sec'y of State.

To his Excellency, the Minister of Interior and Exterior Relations.

(*Approbation of the President.*)

Most Excellent Sir:—Having rendered an account to his excellency, the president, of the petition of citizen Stephen F. Austin, empresario of the colony of this name, on the Brazos and Colorado rivers of Texas, asking permission to colonize ten border leagues on the Gulf of Mexico, between the La Baca and San Jacinto; the president has thought proper, in conformity with your opinion of the 17th July, 1826, which accompanied said petition, to approve of the concession of the lands which the interested person has petitioned for, under the condition of subjecting himself, in all things relative to said new colony, to the law on the subject of the 18th August, 1824.

Which I communicate to your excellency by order of the president, for the corresponding effects.—God and liberty.—Mexico, 22d April, 1828.

CANEDO.

To his Excellency the Governor of the State of Coahuila and Texas.

(Representation of S. F. Austin to the Governor of the State.)

Citizen Stephen F. Austin, with due respect, represents that his excellency, the president of the United Mexican States, having granted me permission to colonize the ten border leagues on the coast, between La Baca and San Jacinto, as appears by the official letter of the minister of relations dated 22d April last; and as I am ready to commence the enterprise so soon as I receive the competent authority from the government of the state of Coahuila and Texas; I therefore solicit your excellency to authorize me, in conformity with the law on the subject, to colonize the land comprehended within the before mentioned limits, and to survey and divide out said lands, to the colonists, in the portions prescribed by law, and to issue to them their titles of possession and property, in the name of the government of this state, giving to me the term of six years to complete said enterprise, the colonists paying the expenses of the surveying, titles, and possessions, according to the provisions of the law; I also ask authority to select and take for my own proper use, benefit and property, the quantity of five leagues and five labors, which I am entitled to as empresario agreeably to law, for each one hundred colonists, which I establish within said limits, governing myself in all things by the general law of colonization of 18th August, 1824, and the state law of the 24th March, 1825; and for my security I petition that your excellency will be pleased to transmit to me an attested copy in due form, of the said official letter of his excellency, the minister of relations, of 22d April last, and of this petition, and of the authority which your excellency may think proper to give me on this subject.—Town of Austin, 2d June, 1828.

STEPHEN F. AUSTIN.

Contract between the Government of the state and Austin; and appointment of the latter as commissioner.

In the City of Leona Vicario (*Saltillo*) this ninth day of July 1828, His Excellency the Governor of the State of Coahuila and Texas, having examined the foregoing petition of citizen

Stephen F. Austin, and the accompanying documents relative to the colonization of the border lands, situated on the coast of the Gulf of Mexico, from the La Baca to the San Jacinto, and taking into consideration the merits and qualifications of said citizen Stephen F. Austin, has thought proper to declare on said petition and documents, the resolution contained in the following articles and conditions.

Art. 1. In virtue of the approbation of the supreme government of the nation, dated 22nd April, of the present year which forms a part of the documents in this matter; the government of this state admits the project of colonization, presented by said empresario so far as it is conformable to the general law of the 18th August, 1824, and the law of the state, of the 24th March, 1825, both of them on the subject of colonization, and I hereby designate in compliance with the 8th article of the said state law, the territory which he solicits, under the following boundaries: beginning at the mouth of the La Baca on its left bank, thence following along the coast of the Gulf of Mexico to the point where the San Jacinto river discharges into Galveston bay, thence following up the left bank of the San Jacinto river, ten leagues in a straight line, thence westwardly parallel with the coast, to a point on the La Baca, ten leagues in a straight line above its mouth, thence following down the left bank of said La Baca to its mouth, at the place of beginning.

Art. 2. All posessions, under legal titles, which may be found within the territory, designated in the preceding article, shall be respected by the new colonists, and the said empresario is hereby charged with the fulfilment of this duty.

Art. 3. At any time, in case the government should need any tracts of land, which from their local situation may be useful, beneficial, and proper, for the construction of any forts, wharves or public warehouses, for the defence of any ports, or establishments of the public administration, the empresario shall not have any right to impede the occupation of any such lands or useful points which may be selected by officers appointed by the government, and which may be necessary for any objects of public security, or integrity of the territory, although they may not be comprehended in those specified in this article.

Art. 4. Citizen Stephen F. Austin, having the confidence of the government, is hereby authorized in due form to discharge, at the same time, both the ohligations of empresario, and the duties and functions of commissioner of the government, in the establishment of new towns, and settlements in the before men-

tioned border lands, which are the subject of this contract, and to cause said lands to be surveyed and divided out to the colonists, with entire conformity to the law, on the subject, and to the instructions of the government which will be separately directed to him.

Art. 5. Inasmuch as the said empresario has not clearly expressed the number of families which he offers to introduce on said border territory, which he is now permitted to colonize; it is necessary that he should make a specific declaration to the government, as to this particular, or whether he has another contract of five hundred families pending, to be established in the interior of the country, it is his wish to locate a part of them in said border territory, as appears to be indicated by his representation of 5th June, 1826, whatever said Stephen F. Austin may determine on this point shall be considered as inserted in this article.

Art. 6. The said empresario shall have the right to receive the lands designated in the 12th article of the colonization law of this state in proportion to the number of families he is to introduce, and to select said land at the sites or situation which he may choose, the titles of possession for said lands in favor of the said empresario shall be delivered by the first alcalde of the town of San Felipe de Austin, who is hereby commissioned in due form for this sole purpose.

Art. 7. The other duties and obligations of citizen Stephen F. Austin, as empresario, are those of a general nature, which, although not expressed in this contract, are inserted in his contract for five hundred families, extended by this government, the 27th of April, 1825, all of which shall be considered as herein inserted.

Art. 8. His duties and obligations as commissioner of the government, for this enterprise, are those prescribed by the law of colonization of this state of the 24th March, 1825, and by the instructions to the commissioner approved by the legislature the 4th of September, 1827, and by which all his operations shall be governed under the responsibilities therein specified.

Art. 9. The certified copy in due form, solicited by said citizen Stephen F. Austin, of the documents on this subject, and of this contract, shall be delivered to him, attested by the secretary of state, in order that should this contract be accepted of by him, said Austin, it shall be considered as concluded and perfected from the date of his acceptation thereof, from which date the term of six years shall be computed, prescribed by law for

the introduction of the families under this colonization enterprise.

Art. 10. The salary or fees corresponding to the commissioner, shall be regulated by the provisions of the law of the legislature of the state, No. 62, dated 15th of May of the present year.—Date as above.

J. MARIA VIESCA.

JUAN ANTONIO PADILLA, Sec'y of State.

Citizen Juan Antonio Padilla, secretary of the state of Coahuila and Texas. I certify that the foregoing is literally and legally copied from the originals, which are on file in this office under my charge.

JUAN ANTONIO PADILLA.
Secretary of State.

Leona Vicario, 12th July, 1828.

Acceptance of the foregoing Contract by S. F. Austin.

Having examined the contract which his excellency the governor of the state of Coahuila and Texas has thought proper to comprise in ten articles, dated in the city of Leona Vicario, 9th July 1828, for the colonization of the ten border leagues on the coast of the Gulf of Mexico, between the La Baca and San Jacinto, in Texas. I, citizen Stephen F. Austin, declare that I accept of the said contract, under its stipulations; and as respects the fifth article of the same, which requires a declaration on my part of the number of families which I engage to introduce, in virtue of said contract, I hereby declare and offer to introduce the number of three hundred; it being understood that I am to receive the premium land, in proportion to the families which I introduce, designated for empresarios, in the 12th article of the colonization law of the state, although they should not amount to three hundred, if they exceed one hundred as provided in said 12th article; and being regulated by the maximum, established in the same article of said law, and by the centracts entered into with the government, by me on the 27th April, 1825, and the 20th November, 1827.—God and liberty.—Town of Austin, 20th July, 1828.

STEPHEN F. AUSTIN.

To his excellency the governor of the state of Coahuila and Texas.

Executive Decree on the above Acceptation.

Leona Vicario, 21st August, 1828.

The above acceptation is added to the documents, and a

copy of it, and of this decree, shall be transmitted to the empresario for his security.

VIESCA.

JUAN ANTONIO PADILLA, Sec'y of State.—

A copy from the original, filed with the respective documents in this office under my charge.—Leona Vicario, 22d August, 1828.

JUAN ANTONIO PADILLA, Sec'y of State.

Instructions to the Commissioner appointed by the Legislature of the State.

EXECUTIVE DEPARTMENT,
Of the State of Coahuila and Texas.

Instructions by which the commissioner shall be governed in the partition of lands to the new colonists, who may establish themselves in the state, in conformity with the colonization law of the 24th March, 1825. See Page 58

Art. 1. It shall be the duty of the commissioner, keeping in view the contract which an empresario may have entered into with the government, and also the colonization law of the 24th March, scrupulously to examine the certificates or recommendations which foreign emigrants must produce from the local authorities of the place where they removed from, accrediting their christianity, morality, and steady habits, in conformity with the 5th article of said law, without which requisite they shall not be admitted in the colony.

Art. 2. In order to prevent being imposed on by false recommendations, the commissioner shall not consider any as sufficient without a previous opinion in writing as to their legitimacy, from the empresario, for which purpose they shall be passed to him by the commissioner.

Art. 3. The commissioner shall administer to each of the new colonists the oath in form, to observe the federal constitution of the united Mexican states, the constitution of the state, the general laws of the nation, and those of the state which they have adopted for their country.

Art. 4. He shall issue in the name of the state the titles for land, in conformity with the law, and put the new colonists in possession of their lands, with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

Art. 5. He shall not give possession to any colonists who may have established, or who may wish to establish themselves within twenty leagues of the limits of the United States of the north,

or within ten leagues of the coast, unless it should appear that the supreme government of the nation had approved thereof.*

Art. 6. He shall take care that no vacant lands be left between possessions, and in order that the lines may be clearly designated, he shall compel the colonists, within the term of one year, to mark their lines, and to establish fixed and permanent corners.

Art. 7. He shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, requiring him previously to take an oath truly and faithfully to discharge the duties of his office.

Art. 8. He shall form a manuscript book of paper of the 3d stamp, in which shall be written the titles of the lands distributed to the colonists, specifying the names, the boundaries, and other requisites, and legal circumstances; and a certified copy of each title shall be taken from said book on paper of the 2d stamp, which shall be delivered to the interested person as his title.

Art. 9. Each settler shall pay the value of the stamp paper used in issuing his title both for the original and copy.

Art. 10. This book shall be preserved in the archives of the new colony, and an exact form of it shall be transmitted to the government, specifying the number of colonists, with their names, and the quantity of land granted to each one, distinguishing that which is farming land, with or without the facilities of irrigation, and that which is granted as grazing land.

Art. 11. He shall select the site which may be the most suitable for the establishment of the town or towns, which are to be founded agreeably to the number of families composing the colony, and keeping in view the provisions of the law of colonization on this subject.

Art. 12. After selecting the site destined for the new town, he shall take care that the base lines run north and south, east and west; and he will designate a public square one hundred and twenty varas on each side, exclusive of the streets, which shall be called the *principal, or constitutional squāre*, and this shall be the central point from which the streets shall run, for the formation of squares and blocks in conformity with the model hereto annexed.

Art. 13. The block situated on the east side of the principal square shall be destined for the church, curate's house, and other ecclesiastical buildings. The block on the west side of said square shall be designated for public buildings of the municipality. In some other suitable situation a block shall be designated for a market square, another for a jail and house of correction,

another for a school and other edifices for public instruction, and another beyond the limits of the town for a burial ground.

Art. 14. He shall, on his responsibility, cause the streets to be laid off straight, and that they are twenty varas wide, to promote the health of the town.

Art. 15. Mechanics, who at the time of founding a new town, present themselves to settle in it, shall have the right of receiving one lot a piece without any other cost than the necessary stamp paper for issuing the title, and the light tax of one dollar annually for the construction of the church.

Art. 16. The lots spoken of in the preceding article shall be distributed by lot, with the exception of the empresario, who shall be entitled to any two lots he may select.

Art. 17. The other lots shall be valued by appraisers according to their situation, and sold to the other colonists at their appraised value. In case there should be a number of applicants for the same lot, owing to its situation or other circumstances, which may excite competition, it shall be decided by lot as prescribed in the preceding article, the product of said lots shall be appropriated to the building of a church in said town.

Art. 18. He shall, in union with the empresario, promote the settlement of each town by the inhabitants belonging to its jurisdiction, who take lots in it, and cause them to construct houses on said lots within a limited time under the penalty of forfeiting them.

Art. 19. He shall form a manuscript book of each new town, in which shall be written the titles of the lots which are given as a donation, or sold, specifying their boundaries and other necessary circumstances, a certified copy of each one of which on the corresponding stamp shall be delivered to the interested person as his title.

Art. 20. He shall form a topographical plan of each town that may be founded, and transmit it to the government, keeping a copy of it in the said register book of the colony.

Art. 21. He shall see that at the crossing of each of the rivers on the public roads, where a town is founded, a ferry is established at the cost of the inhabitants of said town, a moderate rate of ferriage is established to pay the salary of the ferryman and the cost of the necessary boats, and the balance shall be applied to the public funds of the town.

Art. 22. In places where there is no towns, and where ferries are necessary, the colonists who may be settled there shall be charged with the establishment of the ferry, collecting a moderate ferriage until such ferries are rented out for the use of the

state. Any colonist who wishes to establish a ferry on the terms above indicated, shall form an exact and certified account of the costs which he may be at for the building of boats, and also an account of the produce of the ferry, in order that when said ferry is rented out for the use of the state, he shall have a right to receive the amount of said expenses which had not already been covered by the produce of the ferry, which for the present he will collect.

Art. 23. He shall preside at the popular elections mentioned in the 40th article of the colonization law for the appointment of the ayuntamiento, and shall put the elected in possession of their offices.

Art. 24. He shall take special care that the portions of land granted to the colonists by articles 14, 15, and 16, shall be measured by the surveyors with accuracy, and not permit any one to include more land than is designated by law, under penalty of being personally responsible.

Art. 25. Should any colonist solicit, in conformity with the 17th article of the law, an augmentation of land beyond that designated in the preceding articles, on account of the size of the family, industry, or capital, he shall present his petition in writing to the commissioner, stating all the reasons on which he founds his petition, who shall transmit it to the governor of the state, together with his opinion, for which opinion he shall be responsible in the most rigid manner, in order that the governor may decide on the subject.

Art. 26. All the public instruments, titles or other documents issued by the commissioner, shall be written in Spanish, the memorials, decrees, and reports of the colonists or empresarios, on any subject whatever, shall be written in the same language, whether they are to be transmitted to the government, or preserved in the archives of the colony.

Art. 27. All public instruments or titles of possession, and the copies signed by the commissioner, shall be attested by two assistant witnesses.

Art. 28. The commissioner shall be personally responsible for all acts or measures performed by him contrary to the colonization law, or these instructions.

A copy—Saltillo, September 4th, 1827.

TIJERINA, } Secretaries of the
ARCINIEGA, } Legislature.

A copy, JUAN ANTONIO PADILLA.
Secretary of State.